



U.S. DEPARTMENT of STATE

Burma

Country Reports on Human Rights Practices - [2004](#)

Released by the Bureau of Democracy, Human Rights, and Labor
February 28, 2005

Since 1962, Burma has been ruled by a succession of highly authoritarian military regimes dominated by the majority Burman ethnic group. In 1990, pro-democracy parties won more than 80 percent of the seats during generally free and fair parliamentary elections, but the junta refused to recognize the results. The current controlling military junta, the State Peace and Development Council (SPDC), is the country's de facto government, with subordinate Peace and Development Councils ruling by decree at the division, state, city, township, ward, and village levels. On October 19, hardliners further consolidated their power by ousting former Prime Minister Khin Nyunt and appointing Soe Win. From May through July, the SPDC reconvened a National Convention (NC) as part of its purported "Road Map to Democracy." The NC excluded the largest opposition party and did not allow free debate. The judiciary was not independent and was subject to military control.

The Government reinforced its rule with a pervasive security apparatus. Until its dismantling in October, the Office of Chief Military Intelligence (OCMI) exercised control through surveillance, harassment of political activists, intimidation, arrest, detention, physical abuse, and restrictions on citizens' contacts with foreigners. After October, the Government's new Military Affairs Security (MAS) assumed a similar role, though apparently with less sweeping powers. The Government justified its security measures as necessary to maintain order and national unity. Members of the security forces committed numerous serious human rights abuses.

Although resource-rich, the country is extremely poor. The estimated annual per capita income was approximately \$225. Most of the population of more than 50 million lived in rural areas at subsistence levels. More than 4 decades of economic mismanagement and endemic corruption have resulted in widespread poverty, poor health care, declining education levels, poor infrastructure, and continuously deteriorating economic conditions. During the year, poor economic policymaking, lingering consequences of the 2003 private banking sector collapse, and the economic consequences of international sanctions further weakened the economy.

The Government's extremely poor human rights record worsened, and the Government continued to commit numerous serious abuses. Citizens still did not have the right to criticize or change their government. Unlike in previous years, there were no reports of government-affiliated agents killing pro-democracy activists. Security forces continued to carry out extrajudicial killings. Disappearances continued, and security forces raped, tortured, beat, and otherwise abused prisoners and detainees. Citizens were subjected to arbitrary arrest without appeal. Arrests and detention for political dissent occurred on numerous occasions. During the year, the Government arrested at least 85 democracy supporters, primarily members of the country's largest pro-democracy party, the National League for Democracy (NLD), although it subsequently released 42. The remaining 43 were charged, tried, and imprisoned.

The Government detained many of them in secret locations without notifying their families or providing access to due legal process or counsel. During the year, the Government released approximately 59 persons who were arrested and sentenced to prison following the Government-orchestrated May 2003 attack on NLD leader Aung San Suu Kyi. Since May 2003, the Government has released 151 of 153 individuals who were arrested or detained after the attack, including 7 of the 9 members of the NLD Central Executive Committee. However, Aung San Suu Kyi and NLD Vice Chairman U Tin Oo remained under house arrest, and all NLD offices, except the Rangoon headquarters, remained closed. The Government did not investigate the May 30 attack.

During the year, the Government released at least 100 long-term political prisoners, many of whom had already completed their sentences. At year's end, an estimated 1,500 security detainees remained in prison. In November and December, the SPDC announced it had released 14,318 convicts, citing "improper deeds" of the disbanded National Intelligence Bureau. The Government did not offer evidence to support its claim of mass prison releases.

and only 76 of those released were considered political prisoners. Prison conditions remained harsh and life threatening, and facilities were Spartan, but prisoners' rights continued to improve as a result of efforts by the International Committee of the Red Cross (ICRC), which continued to have regular access.

The Government regularly infringed on citizens' privacy; security forces continued to monitor systematically citizen's communications, search homes without warrants, and relocate persons forcibly without just compensation or legal recourse. The Government also continued to forcibly relocate large ethnic minority civilian populations, confiscate land and property, use forced labor, and conscript child soldiers. The Government also forced conscription of the civilian population into militia units. The Government did not take steps to prosecute or punish human rights abusers.

The Government continued to restrict severely freedom of speech, press, assembly, association, and movement. The Government restricted freedom of religion, coercively promoted Buddhism over other religions, and imposed restrictions on religious minorities. Acts of discrimination and harassment against Muslims continued. Security forces continued to monitor systematically citizens' movements and continued to restrict freedom of movement, in particular, foreign travel by young female citizens.

The Government did not permit domestic human rights organizations to function independently and remained hostile to outside scrutiny of its human rights record. It refused several requests by the U.N. Special Rapporteur on Human Rights (UNSRHR), Paulo Sergio Pinheiro, to visit. Senior government officials also refused to meet the UNSRHR outside the country. The Government allowed the International Labor Organization (ILO) to operate a liaison office in Rangoon; however, some individuals who sought to report incidents of forced labor were detained or subjected to criminal prosecution.

Violence and societal discrimination against women remained problems, as did discrimination against religious and ethnic minorities. Trafficking in persons, particularly in women and girls primarily for the purpose of prostitution, remained widespread, despite some efforts to address the problem. The Government continued to restrict worker rights, ban unions, and use forced labor for public works and for the support of military garrisons. Forced child labor remained a serious problem, despite recent ordinances outlawing the practice. The forced use of citizens as porters by the military--including mistreatment, illness, and sometimes death--continued, as did forced recruitment of child soldiers.

Ethnic armed groups including the Karen National Union (KNU), the Karenni National Progressive Party (KNPP), and the Shan State Army-South (SSA-South) also reportedly committed human rights abuses, including killings, rapes, forced labor, and conscription of child soldiers, although on a lesser scale than the Government.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

Unlike in previous years, there were no known instances of government-affiliated agents killing pro-democracy activists. In March, the Shan Human Rights Foundation (SHRF) reported a commander from Light Infantry Battalion 514 beat a civilian to death in front of a military checkpoint in Mong Kung Township, Shan State for refusing to provide his vehicle for forced labor.

In July, there was an unverified, but credible report that Maung Aye, a theft suspect, died after being beaten while in police custody (see Section 1.c.).

The Government refused to investigate, or to take any responsibility for, the May 2003 attack by government-affiliated forces on an NLD convoy led by party leader Aung San Suu Kyi near the village of Depeyin. During the attack, the assailants used bamboo staves and metal pipes to kill or injure at least six pro-democracy supporters including four NLD members: San Myint, Tin Maung Oo, Thein Toe Aye, and Khin Maung Kyaw. Also killed were Min Zaw Oo, a student; and U Panna Thiri, a Buddhist monk. There were credible reports of two more victims who later died of their injuries. Villagers and survivors of the attack reported that the attackers might have killed as many as 70 pro-democracy supporters accompanying the NLD convoy, but there was no official verification of this number. By year's end, the fate of other injured persons, including 47 pro-democracy supporters from the convoy, remained unknown. Of the 10 missing NLD members injured in the attack, 8 fled to Thailand, 1 (Tun Aung Kyaw) died, and 1 remained in hiding.

According to credible reports, throughout the night following the attack, security forces clashed with and may have killed scores of villagers, students, and Buddhist monks in the villages surrounding the attack site. The Government did not acknowledge the alleged killings in the surrounding villages. Diplomatic observers received credible reports that 16 injured attackers were hospitalized at a military base in Monywa, Sagaing Division, and subsequently released on July 2. The Government did not credibly investigate any of the attacks.

Officials reportedly involved in the assault were not held accountable and in fact continued to be promoted. On October 19, Lieutenant General Soe Win, reportedly involved in planning the attack, was promoted to Prime Minister, the third highest-ranking position in the SPDC. Regional commander Major General Soe Naing, reliably reported to be responsible for executing the attack, was made commander of the Irrawaddy Division. Deputy Regional Commander, Brigadier General Ohn Myint, was promoted to commander of the military's Coastal Command. Reliable sources reported that Lieutenant Colonel Than Han, Chairman of Shwebo District, Sagaing Division Peace and Development Council, the senior regional political figure responsible for the attacks, was promoted to brigadier general and appointed director of Police Operations.

Similarly, there were no reports that the Government took action to investigate or prosecute soldiers involved in any of the 2003 killings reported by the SHRF and the KNU: two farmers accused of being or helping Shan soldiers in Namhsan Township, Shan State; a displaced farmer in Lai-Kha Town in Shan State; a farmer at a remote farm in Shan State; and two Karen village chiefs.

There also were no reports that the Government took action to investigate or prosecute soldiers involved in the following acts reported in 2002: the killing of 10 persons, including 6 children, and the injuring of 9 in Karen State; the robbery and killing of 6 civilians near the Thailand border in Shan State; and the killing of 10 villagers in Kholam, Shan State.

In August 2002, the International Confederation of Free Trade Unions (ICFTU) reported that army troops killed an official of the Free Trade Union of Burma (the Kawthoolei Education Workers Union) (see Section 6.a.).

There were several unverified reports of deaths due to security forces using civilians to clear landmines; however, reported incidents declined from previous years due to a temporary cease-fire between the Government and the KNU (see Section 1.g).

Some armed ethnic groups also reportedly committed killings during the year. According to the government newspaper, The New Light of Myanmar, on August 1, the Shan United Revolutionary Army killed five farmers in Namhsan Township.

b. Disappearance

Private citizens and political activists continued to "disappear" for periods ranging from several hours to several weeks or more, and many persons never reappeared. Such disappearances generally were attributed to authorities detaining individuals for questioning without informing family members and the army's practice of seizing private citizens for portage or related duties, often without notifying family members (see Section 6.c.). Diplomatic observers reported an improved response by police authorities to requests for information on missing or incarcerated individuals. No improvement was reported regarding requests for information directed to the military or military intelligence services. In many cases, individuals who were detained for questioning were released soon afterward and returned to their families.

In late January, Nyan Gyi, an NLD youth member from South Dagon Township, disappeared. Family members initially were unable to trace him, but eventually learned through the relative of another prisoner that he was in Insein prison and on trial. At year's end, he still was being denied access to family members and lawyers.

There was no further information on the 17 cases mentioned in a 2003 Amnesty International (AI) report of persons who disappeared while in Government detention in 2002.

The whereabouts of persons seized by military units to serve as porters, as well as prisoners transferred for labor or portage duties, often remained unknown. Family members generally learned of their relatives' fates only if fellow prisoners survived and later reported information to the families.

There were no developments in the August 2003 case of a 15-year-old student and three or four other youths who disappeared from a Rangoon teashop and were believed to have been forcibly taken by the Government for military

portering.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

There are laws that prohibit torture; however, members of the security forces reportedly tortured, beat, and otherwise abused prisoners, detainees, and other citizens. They routinely subjected detainees to harsh interrogation techniques designed to intimidate and disorient. In June, four members of the NLD were taken into custody, interrogated, and forced to stand on stools for 3 days. The four were forced to sign false written confessions that led to prison sentences of up to 15 years for violating the Emergency Provision Act of 1950, the Unlawful Association Act of 1908, and the Immigration Act of 1947 (amended in 1950 and 1962). The court ruled the three sentences would not have to be served consecutively, but rather the defendants would serve the longest of the three counts (7 years). The son of the most prominent member of this group also was taken into custody and beaten by OCMI agents before being released.

Reliable sources reported that on February 24, authorities at Insein prison beat NLD member Khin Maung Oo unconscious. Also in February, there was an unverified report that Rangoon police and firemen beat San Htay for unknown reasons. In July, there was an unverified but credible report that Maung Aye, a theft suspect, died after being beaten while in police custody.

The military routinely confiscated property, cash, and food, and used coercive and abusive recruitment methods to procure porters. Persons forced into portering or other labor faced extremely difficult conditions, beatings, lack of food, lack of clean water, and mistreatment that at times resulted in death.

Karen sources reported that human rights abuses in Karen State declined significantly after cease-fire talks between the SPDC and the KNU began in January; however, subsequent reports indicated that the military continued to commit abuses, including beatings, rape, forced mine clearing, and forced labor, against villagers in Karen State and Tanintharyi Division.

In September, a credible source in Karen State reported that soldiers from the pro-government Democratic Karen Buddhist Army (DKBA) raped several young Buddhist nuns (ages 8-11).

The Government did not investigate the 2003 reports that a DKBA commander and government soldiers used threats and beat villagers in Karen State to recruit forced laborers.

Eyewitnesses reported that during the May 2003 attack on the NLD, government-affiliated attackers raped several female democracy supporters. The Government did not investigate these allegations.

Throughout the year, there were credible reports of government soldiers raping women who were members of ethnic minorities in Karen State, Shan State, and Mon State.

In December 2003, OCMI agents arrested and later sent Kyaw Ye Win and Khin Hla Hla Su Win to Ywathagyi psychiatric hospital for demonstrating in front of Rangoon City Hall for the release of all political prisoners. There was no further information on this case at year's end.

Prison and labor camp conditions generally remained harsh and life threatening; however, during the year, the ICRC reported the Government did a better job meeting standards set by existing regulations. The Department of Prisons operated approximately 35 prisons and approximately 70 labor camps throughout the country (see Section 6.c.). In prisons, food, clothing, and medical supplies reportedly were in very short supply. Bedding consisted of a single mat on the floor. Prisoners were forced to rely on their families, who were allowed to visit once every 2 weeks for 15 minutes per visit, for basic necessities. Prisoners were held without being charged for weeks or months, and until a prisoner was officially charged with a crime, families could not visit or send critical supplementary food. HIV/AIDS infection rates in prison reportedly were high due to communal use of single syringes for injections and sexual abuse by other prisoners. In March, unverified reports indicated that the Government revoked access by prisoners to periodicals and television granted following a visit from the UNSRHR in 2003.

The Government continued to deny prisoners adequate medical care; however, the ICRC reported that a joint working group consisting of the ICRC, the Department of Prisons, and the Ministry of Health created a central medical service for all prisons. Ministry of Health professionals staffed the service with key personnel trained by the ICRC.

During the year, the health of several political prisoners deteriorated. On February 24, imprisoned student leader Htay Kywe suffered a life threatening deterioration in his health following a routine operation. He was released on October 26 (see Section 1.d.). Other prominent political prisoners who suffered deteriorating health included: student leader Ko Ko Gyi; NLD Members of Parliament-elect (M.P.s-elect) Dr. Than Nyein and U Naing Naing; and journalists Htwe Myint (released on December 11) and U Win Tin.

On December 8, Dr. Than Nyein, who suffers from liver disease, was not permitted to keep a previously scheduled doctor's appointment. Instead, he was transferred to Paungte Prison, where medical care is not available.

During the year, three prisoners died in custody. On January 28, Shwe Tin, an executive of a defunct political party, died at Taungoo Prison. Min Thu, a former student leader and a lawyer, died on June 12 at Insein Prison. The Prison Department authority did not inform family members of these deaths. On October 19, Zaw Myo Htet died from severe liver disease while in custody. In 2003, at least three political prisoners died in custody.

During the year, three political prisoners died of untreated medical conditions shortly after being released. On July 20, NLD member and artist Wa-ne Soe died of liver cancer within a month of his release. Shortly thereafter, Than Win died of liver cirrhosis. On July 25, well-known poet and NLD member Kyi Tin Oo died after an early release on March 26 due to liver complications contracted while in prison.

The health of Soe Win, an M.P.-elect for the pro-democracy Party for National Democracy, improved during the year, though he remains blind in one eye due to injuries received during detention in June 2003. In July 2003, the Government claimed he had attempted suicide, but did not provide any information or proof of an investigation into this case. In September 2003, 74-year-old Tin Aye, former Chairman of the University Student Union, died 1 month after the Government released him from a lengthy prison sentence. Aung Zaya, chairman of the Democratic Party for New Society, who was released in 2003 after 11 years in detention, became paralyzed from abuse and inadequate medical attention during his imprisonment; his ill health and disability continued during the year.

According to the Government, political detainees were separated from common criminals, juveniles from adults, and men from women. According to the ICRC, the Government's stated position was that political prisoners should not be subjected to hard labor.

During the year, the ICRC conducted periodic visits to all prisons in the country, with the goal of visiting each at least once a year. The ICRC reports that as a result of a constructive dialogue with the Government on prison problems it has the right to talk in private with prisoners; to make repeated visits as desired; and to have full access to prisoners. ICRC visits to labor camps began in March 2000 and continued during the year. There reportedly were approximately 70 camps, but many were temporary, existing only long enough to complete a specific work project. The Government allowed the ICRC to perform its traditional services, such as providing medications, delivering letters to and from prisoners, and providing support for family visits to prisoners.

d. Arbitrary Arrest or Detention

During the year, the Government continued to rule by decree and was not bound by any constitutional provisions providing for fair public trials or any other rights. There is no provision in the law for judicial determination of the legality of detention, and the Government routinely used arbitrary arrest and incommunicado detention. The Penal Code allows authorities to extend sentences after prisoners have completed their original sentence, and the Government makes regular use of this provision (see Section 1.c).

The police are auxiliary forces of the military and are under direct command of military officers. They primarily deal with common crimes and do not handle political crimes. The Myanmar Police Force is administratively under the Ministry of Home Affairs. Corruption and impunity were serious problems due to a government-imposed system whereby police were required to collect funds for their operations. Police typically required victims to pay substantial sums for crime investigations, and police often extorted money from the civilian population.

MAS (formerly OCMI) officers are responsible for arresting persons suspected of "political crimes" that are perceived to threaten or undermine the Government. Upon arrest, MAS/OCMI officers, or in some cases police officers, take prisoners to MAS/OCMI regional interrogation centers where MAS/OCMI officers interrogate the arrested person for a period ranging from hours to months and can charge the person with a crime at any time during the interrogation. A hood frequently was placed on those accused or suspected of political crimes upon arrest.

On December 3, Thet Naung Soe attempted to go on hunger strike in prison to demand the release of all political

prisoners. His family tried to visit him, but the jailors showed them a note written in his own handwriting that he did not wish to meet his family at the time. A prison official indicated that Thet Naung Soe had refused food and was in the prison hospital.

The Government continued to arrest and detain citizens for extended periods without charging them, often under the Emergency Act of 1950, which allows for indefinite detention. In 2002, OCMI officers arrested Shwe Maung for making a symbolic golden hat for Aung San Suu Kyi and placed him in a dark cell for 4 months before charging him with "keeping stolen goods," and sentencing him in February 2003 to 3 years imprisonment.

On April 9, the Government sentenced 11 members of the Mandalay Division NLD to between 7 and 22 years in prison for "illegal association" with an exile group in Thailand. In early June, OCMI detained NLD Township Executive members from Magwe and Rangoon Divisions Than Than Htay and Tin Myint on similar charges. They were interrogated for several weeks before being transferred to Insein Prison. Later in June, authorities arrested Ye Ye Win, San Ya, and Ye Htet, members of NLD in Theinzayat Township in Mon State, accused them of contacting exile groups in Thailand, and held them incommunicado. In September, a court sentenced them to 7-years imprisonment. On September 24, Than Than Htay and Tin Myint, along with one other NLD member, were found guilty of violating three counts of Burmese law and sentenced to 7 years in prison. The Government had no credible evidence against them.

In mid-February, the OCMI transferred NLD Vice-Chairman U Tin Oo (arrested following the May 2003 Depeyin attack) from Kalay Prison, Sagaing Division, to his residence in Rangoon where he remains under house arrest. In mid-April, the Government released NLD Chairman U Aung Shwe and Secretary and Party Spokesman U Lwin from house arrest where they had been since the 2003 attack. Only Aung San Suu Kyi and U Tin Oo remain under house arrest. During the year, authorities further restricted the conditions of Aung San Suu Kyi's house arrest by removing her personal security detail and limiting visits by her personal physician.

At year's end, the Government had released 151 of 153 arrested during and immediately following the Depeyin attack; however, in the months following the attack, the Government detained at least 270 additional NLD members, political supporters, and affiliated monks across the country. Some of them were charged with political crimes, and some were simply detained arbitrarily. At year's end, all but approximately 90 had been released.

On December 2, NLD representative Dr. Mying Naing was arrested for "reckless driving" and causing injury to a pedestrian in Shwebo, Sagaing Division. Although the victim admitted it was her fault, Dr. Mying Naing was sentenced to 3 months imprisonment. On December 2, NLD member U Kyaw Swe was arrested in Chaung Oo, Sagaing Division on charges of possessing an unregistered motorcycle and obstructing authorities in the line of duty. He was sentenced to 2 years imprisonment in Monywa Prison on December 8. On December 6, 11 NLD members from Bogalay Township, Irrawaddy Division were arrested for refusing to sign a statement that they would not hold an NLD celebration on National Day. On December 19, five NLD members were arrested for allegedly possessing and distributing a leaflet titled "An Appeal to the Masses," which was published by a dissident group in Mae Sot, Thailand.

In January 2003, the OCMI arrested two Buddhist nuns for shouting pro-democracy slogans and handing out pamphlets in front of the Rangoon City Hall and a third nun for opposing the arrest of her colleagues. Denied legal representation, the nuns were subsequently sentenced to 13 years in prison. In June 2003, OCMI officers arrested Myo Khin, Myat Gyi, Maung Maung Lay, and Ne Win of the Rangoon Division NLD for demanding that authorities reopen the NLD office in Bahan Township, Rangoon. Family members were denied access to them for months, and they reportedly were sentenced to 7 years in Insein Prison. Only after the convictions did the Government allow family members and lawyers to visit the prisoners. In September 2003, OCMI officers and local police arrested Phone Aung for demonstrating outside Rangoon City Hall calling for the release of Aung San Suu Kyi. A court sentenced him in mid-December 2003 to 14 years at Insein Prison. He did not have legal representation during the judicial process, and was denied access to his family.

In 2002, the Government arrested at least 30 political activists in Rangoon including educator Hla Htut Soe, Buddhist monk U Veda (lay name, Maung Maung Aye), and 2 lawyers, U Aye and U Myint Yi. Also among those arrested was Hla Tun, an NLD M.P.-elect from the 1990 election who was not known to have been active in the NLD since he was released from prison in 1999. According to international press reports the Government sentenced approximately a dozen of the activists to prison terms of 3 to 22 years.

Elected M.P.s were harassed and pressured to resign. In northern Shan State, local authorities pressured Sai Tun Aung of the Shan Nationalities League for Democracy to resign. Than Htay, an elected member (NLD) from Lashio, resisted pressure from the Government to leave his post. Consequently, local authorities arrested him and charged

him with four counts of violating the Customs Act, the Export-Import Act, and the Wireless and Telegraph Act. The police arrested Than Htay because his son, who owned a legally registered shop selling electronic equipment, had sold an "illegal" cordless telephone and electronic equipment to a customer. Than Htay was not connected to his son's business operationally, although he owned the building in which it was located.

The Government routinely extends prison sentences under the Law Safeguarding the State from the Dangers of Subversive Elements. The Minister of Home Affairs has the right to extend unilaterally a prison sentence on six separate occasions for 2 months, that is, for up to 1 year. The SPDC Chairman, Senior General Than Shwe, can add 5 years to a sentence. In March 2003, Kyaw Hsan, a 74-year-old M.P.-elect and retired army colonel, completed his politically motivated 10-year prison term and was being released; however, when in sight of his family at the prison gate he was forced to return to his cell. He finally was released on November 19. In 2003, in Mandalay, 10 political prisoners, including Ne Win, Tin Aye Yu, Tin Myint, Tin Aye, Zarni Aung, Thein Than Oo, Kyaw Sein Maung, Naing Myint, Htay Nyunt, and Soe Myint, completed their terms, but were not released. Naing Myint was released on November 26. At various times in 2003 and during the year, the Government released prisoners being held under this law. At year's end, the Government was holding approximately 27 students and political activists in prison beyond the expiration of their sentences, including Ko Ko Gyi, who was reportedly in poor health.

Following the October ouster of Prime Minister Khin Nyunt, the SPDC initiated three prisoner releases. In November and December, the SPDC released 14,318 convicts, citing "improper deeds" of the disbanded OCMI. Only 76 of those released were considered political prisoners.

Credible reports indicate that most, if not all, of the 90 remaining political prisoners arrested formally in connection with the May 2003 Depeyin attack have been sentenced. However it is possible that the Government is holding some indefinitely, without formal sentencing, under the Law Safeguarding the State from the Danger of Subversive Elements. The ICRC restored family links for most of those detained in connection with the May 2003 attacks.

Authorities continued to detain private citizens and political activists, some of whom disappeared, at times temporarily (see Section 1.b.).

e. Denial of Fair Public Trial

The judiciary is not independent of the Government. The SPDC appoints justices to the Supreme Court who, in turn, appoint lower court judges with the approval of the SPDC. These courts then adjudicate cases under decrees promulgated by the SPDC that effectively have the force of law. The court system includes courts at the township, district, state, and national levels.

During the year, the Government continued to rule by decree and was not bound by any constitutional provisions providing for fair public trials or any other rights. Although remnants of the British-era legal system formally were in place, the court system and its operation remained seriously flawed, particularly in regard to the handling of political cases. The misuse of blanket laws--including the Emergency Provisions Act, the Unlawful Associations Act, the Habitual Offenders Act, and the Law on Safeguarding the State from the Danger of Subversive Elements--and the manipulation of the courts for political ends continued to deprive citizens of the right to a fair trial. Pervasive corruption further served to undermine the impartiality of the justice system.

There is a fundamental difference between criminal and political trial procedures. Some basic due process rights, including the right to be represented by a defense attorney, generally were respected in criminal cases, but not in political cases that the Government deemed especially sensitive. In criminal cases, defense attorneys generally are permitted 15 days to prepare for trial, are permitted to call and cross-examine witnesses, and can be granted a 15-day delay for case preparation; however, their primary purpose is to bargain with the judge to obtain the shortest possible sentence for their clients. Reliable reports indicate that senior junta authorities dictate verdicts in political cases, regardless of the evidence or the law. Political trials are not open to the public.

None of the NLD members or the hundreds of pro-democracy supporters arrested in association with the May 2003 Depeyin attack were given public trials. In December 2003, police arrested Thet Lwin, a driver for a Canadian mining company, for driving his expatriate supervisor in the vicinity of the Rangoon residence of Aung San Suu Kyi. He was held incommunicado, and his family had to seek ICRC assistance to learn of his whereabouts. In February, a closed court sentenced Thet Lwin to 7 years in prison under a criminal charge (abuse of narcotics).

During the year, there was one new arrest of a lawyer with NLD connections (see Section 2.a). NLD members generally appeared to be able to retain the counsel of lawyers without fear of the lawyers being imprisoned;

however, lawyers were not always told when trials would begin. Approximately 14 lawyers remained imprisoned at year's end. Most had been sentenced prior to 1998, when the Government made it easier for political prisoners to retain legal counsel.

During the year, the majority of political prisoners released had completed or nearly completed their sentences, or were in poor health. Senior military authorities dictated the release of political prisoners, and the Government required most political prisoners to sign a release form agreeing to serve the remainder of their terms if rearrested for any reason. For example, following the May 2003 attack on Aung San Suu Kyi and NLD members, the Government detained M.P.-elect Hla Min for 1 month, released him, and immediately re-imprisoned him to serve the remainder of a previous prison term. The Government released him again in late 2003.

At year's end, international officials with regular access to prisons reported that they have files on 3,600 individual prisoners whom they consider potentially vulnerable to abuse: security detainees, minors, foreign citizens and others in need of protection. Among these, there were some 1,500 "security detainees": political prisoners (approximately 1,300), arms merchants, violators of state security laws, and those accused of fostering religious disturbances. The last group had the largest increase during the year.

In late 2003 and early 2004, the Government released 24 NLD M.P.s-elect who had been arrested on and around May 2003, including: Dr. Zaw Myint Maung, Yaw Si, Khun Myint Htun, U Do Daung and Chit Htwe. Among the verifiable releases of long-term political prisoners by year's end were: on January 30, NLD M.P.-elect Myint Naing (incarcerated in 1991 for unlawful association); on June 4, two M.P.s-elect of the Mon National Democratic Front (MNDF) Dr. Min Soe Lin and Dr. Min Kyi and MNDF Executive Nai Ngwe Thein; on July 12, the Vice Chairman of the Arakan League for Democracy and journalist U Thar Ban; on July 15, former student leader Dr. Maung Maung Kyaw; on October 15 and November 1, respectively, student activists Htay Kywe and Dr. Ne Win; on November 19, student leader Min Ko Naing, NLD M.P.s-elect U Kyaw San, U Ohn Maung, U Toe Po, and Dr. May Win Myint. Other political prisoners were also released on November 19, November 26, and December 12. A total of 76 known political prisoners were freed in the three separate releases.

Three long-term political prisoners died shortly after their release from prison during the year (see Section 1.c). Dr. Than Nyein, an M.P.-elect from the NLD and the brother-in-law of former-Prime Minister General Khin Nyunt, had his 7-year prison term extended in September despite being terminally ill with liver cancer.

The Government granted Aung San Suu Kyi's brother authority to file a second suit against her seeking half ownership of the family compound. In 2002, the judge presiding over the case ruled that he had the right to inherit the property under Buddhist customary law. At year's end, the suit was ongoing. A final decision was postponed because the Government prohibited lawyers from having access to Aung San Suu Kyi.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The abrogated 1974 Constitution did not provide for rights to privacy, and authorities infringed routinely on citizens' privacy rights. Through its pervasive intelligence network and administrative procedures, the Government systematically monitored the travel of all citizens and closely monitored the activities of many citizens, particularly those known to be active politically.

Forced entry without a court order is legal. The law requires that any person who spends the night at a place other than his registered domicile inform the police in advance. Any household that hosts a person not domiciled there must, according to the law, maintain and submit a guest list to the police. However, the law is selectively enforced. Security forces significantly increased surveillance of civilians following the May 2003 Depeyin attack and also after bombings that occurred in Rangoon during the year and in 2003. Ward-level SPDC officials stepped up unannounced nighttime checks of residences for unregistered visitors. During the year, the Government sentenced NLD party members Than Than Suu Win and Ye Myint to 7-days hard labor for failing to register as overnight guests while in Rangoon.

Security personnel regularly screened private correspondence and telephone calls and monitored normally protected communications. In June, a foreign investigation team found an eavesdropping device in the wall of its Ambassador's meeting room. In March 2003, the UNSRHR found a listening device in a prison interview room.

The authorities generally continued to discourage citizens from subscribing directly to foreign publications (see Section 2.a.).

The Government continued to control and monitor closely the licensing and procurement of all two-way electronic

communication devices. Possession of an unregistered telephone, facsimile machine, or computer modem was punishable by imprisonment (see Section 2.a.). For example, users of unregistered cordless telephones in the country face up to 3 years' imprisonment and a steep fine.

Weak private property rights and poor land ownership records facilitated involuntary relocations of persons by the Government. The law does not permit private ownership of land; it recognizes only different categories of land-use rights, many of which are not freely transferable. Post-colonial land laws also have revived the pre-colonial tradition that private rights to land were contingent upon the land being put to productive use.

For decades successive military governments have applied a strategy of forced relocation against ethnic minority groups in an effort to deny support to armed ethnic groups. Such forced relocations continued during the year. The forced relocations reportedly often were accompanied by rapes, executions, and demands for forced labor to build infrastructure for villagers and military units (see Sections 1.c., 1.e., and 2.d.). There continued to be reports during the year of forced relocations to new towns, but the Government provided a grace period of 1 year for residents of apartments on 50th street in Rangoon to move to Dagon Seikkan in East Rangoon. Similarly, the residents of 600 houses in Shwe Lin Pann village in Hlaing Tharyan are still in their residences after objecting to forced relocation to make way for a road construction project.

Reports of forced relocation in urban areas lessened; however, the Government reportedly continued to forcibly relocate households for "security" reasons. In Rangoon, persons were forced to leave homes or dwellings located on property that could be used for commercial gain. In some cases, those forced to move were poorly compensated. During the year the Government gave notices to retired civil servants to move from at least two locations in Rangoon by 2005. In 2003, the Government forced retired civil servants, who had lived for generations in downtown Rangoon, to move out with inadequate compensation. Senior Government officials ignored appeals, and under duress many residents accepted relocation to apartments estimated to be worth approximately 10 percent of the value of their vacated homes. There were numerous reports that government troops looted and confiscated property and possessions from forcibly relocated persons, or persons who were away from their homes. These materials often were used for military construction. Diplomatic representatives reported that commandeering privately owned vehicles for military or VIP transport without compensating the vehicle owners was also commonplace throughout the country.

A September 2002 report by a highly respected private citizen in Thailand estimated more than 2,500 villages have been destroyed or forcibly relocated by Government forces since 1996, displacing more than 600,000 citizens. The report estimated that more than 350,000 of these citizens were moved to government-controlled "relocation centers," while the remainder lived in hiding. This practice was particularly widespread in Shan, Kayah, and Karen States, and in areas of Mon State and Bago Division. In these areas, thousands of civilian villagers were displaced from their traditional villages, which often were burned to the ground and moved into settlements tightly controlled by SPDC troops in strategic areas. In other cases, villagers who fled or were driven from their homes found shelter in the forest, frequently in heavily mined areas without adequate food, security, or basic medical care.

The forced relocations often generated large refugee flows to neighboring countries or to parts of the country not controlled by the Government. In some areas, the Government replaced the original occupants with ethnic Burmans. In other areas, army units forced or attempted to force ethnic Karen to relocate to areas controlled by the DKBA.

The Government has the right to confiscate property without paying compensation. During the year, there were several credible, but unverified, reports of this occurring across the country. For example, in March the Government evicted families and seized land in Chin State to make way for an India-Burma-Thailand highway project. In July, the military expropriated the land of 150 households in Ye Township, Mon State, for new military buildings. In 2003, diplomatic observers reported the Government ordered families to exhume corpses of their relatives from a cemetery to make way for construction of a condominium project on the outskirts of Rangoon.

During the year, there were several reports of government mistreatment and exploitation of farmers. For example, in January OCMI detained five farmers from Letkhopin village, Irrawaddy Division, for expressing grievances about uncompensated confiscation of farmland. During the year, there were credible reports that the military confiscated, without compensation, thousands of acres of farmland in Mon State. The Government also reportedly confiscated land in northern Shan State when farmers could not repay loans taken out to buy and plant a type of Chinese rice hybrid never planted before in Shan State, which the Government had required the farmers to plant. In 2003, there were reports that civil servants in several areas confiscated established farm plots, forcing farmers to buy less desirable land to continue their livelihood. There was no information on the 82 farmers arrested in February 2003 by local authorities in Kyungyangon, Irrawaddy Division, for not providing their paddy rice production quota to the Government. Nor was there any further information on the fate of the 43 farmers sought by Sagaing Division SPDC

officials for failure to pay their paddy quota.

Military personnel also routinely confiscated livestock, fuel, food supplies, fishponds, alcoholic drinks, vehicles, or money. Such abuses have become widespread since 1997, when the Government ordered its regional commanders to meet their logistical needs locally rather than rely on the central authorities. As a result, regional commanders forced contributions of money, food, labor, and building materials from civilians throughout the country (see Sections 1.c. and 6.c.).

In violation of international humanitarian law, both army and insurgent units used forced conscription, including conscription of children (see Sections 1.g. and 6.c.).

Government employees generally were prohibited from joining or supporting political parties; however, this proscription was applied selectively. In the case of the Government's mass mobilization organization, the Union Solidarity and Development Association (USDA), the Government used coercion and intimidation to induce many persons, including nearly all public sector employees and students, both to join the union and to attend meetings in support of the Government (see Section 2.a.).

Marriages between female citizens and foreigners were officially banned, and the Government ordered local attorneys not to be witnesses to such marriages. However, the ban was not enforced.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal and External Conflicts

Since independence in 1948, large numbers of ethnic insurgent groups have battled government troops for autonomy or independence from the Burman-dominated state. Since 1989, 17 groups have concluded cease-fire agreements with the Government. Under the agreements, the groups have retained their own armed forces and performed some administrative and economic functions within specified territories inhabited chiefly by members of their own ethnic groups.

However, a few groups maintained active resistance, including the Chin National Front, the Naga National Council, the Arakan-Rohingya Solidarity Organization, the SSA-South, the KNPP, and the KNU through its armed wing, the Karen National Liberation Army. The largest of these, the KNU, began peace talks with the Government in December 2003 leading to a temporary ceasefire. However, there were credible reports of renewed attacks on villages in Karen State in September after the rainy season ended.

Beginning in mid-November there were credible reports that the army attacked Karen villages in Shwegyin Township, Nyaunglebin District, of western Karen State, burning houses and rice stores. An estimated 20,000 baskets of paddy rice were destroyed. As many as 4,781 civilians were displaced and were prevented from returning. The attacks ceased by the end of the year, but construction of three new military camps and the dislocation of civilians continued.

In November and December, there were credible reports of army attacks on civilians in Taungoo District, northern Karen State, which displaced more than 3,000 residents. Reportedly they were used as forced labor to construct roads into former KNU-held territory. These projects were ongoing at year's end.

There were credible reports from Mon Township of northern Nyaunglebin District, Karen State that local villagers were forced to tear down their homes and were then used as forced labor to construct a new army camp at Mawdalaw. Construction continued at year's end.

There were credible reports that attacks continued against civilian populations in Kayah State throughout the year. Army troops reportedly continued to pursue Karenni displaced persons who had fled to Taungoo and Papun Districts of northern Karen State.

An SSA-South source reported that in early August, Burmese Army troops harassed villagers in Lechar and Limkhay Townships, accusing them of being spies for the SSA-South.

In 2003, diplomatic representatives received credible first-hand accounts that in 2002, government troops tortured and detained seven Karen clergymen in Pa-an, Karen State, and in Mawlamyine, Mon State. The soldiers also confiscated 13 cows, 5 bullock carts, and household goods, and extorted money before burning down 2 churches and 11 houses. Two clergymen were held for 2 months before release and were forced to sign a statement saying they were not mistreated. The Government ordered the National Investigation Bureau, a division of the National

Police Force, to investigate the incident; however, there was no information that the Government prosecuted any of the soldiers for the abuses.

Incidents of rape in conflict areas and other ethnic minority areas continued. In January, the Thai-based Human Rights Foundation of Monland issued a report documenting five cases of rape by elements of the Burmese Army during an offensive against ethnic rebels in southern Mon State that began in December 2003. The report also asserted that rape of local women was standard practice by Burmese Army troops, especially by the 299th Light Infantry Brigade, which took three local Mon women per day to military bases to work, after which soldiers raped the women. The Government did not investigate any of the cases, despite their being documented, and failed to respond officially to the report.

In April, a report, "Shattering Silences," by the Thai-based Karen Women's Organization documented 125 instances of Burmese Army soldiers raping local women since 1988—including 3 cases in January and February. Reportedly half of the rapes were by high-ranking military officers. Of the cases documented, reportedly only one resulted in punishment. The Government refused to investigate these cases, and instead issued a statement that the report was an attempt to discredit and derail the Government's "Road Map to Democracy." Christian Solidarity Worldwide reported that on April 16, a Shan woman was gang-raped by Burmese Army soldiers near the Thai border.

NGOs reported that Burmese Army soldiers raped numerous women in Shan State and other ethnic regions in 2002 and 2003. In April 2003, a captain raped a 20-year-old woman in Shan State, while another soldier restrained her husband. The woman and her husband later reported the rape to SPDC authorities in the area; however, after no action was taken they began to fear for their safety and fled across the border to Thailand. In August 2003, a captain and 20 other soldiers gang-raped a woman in Shan State. The captain then threatened to punish the village headman and the villagers if anyone reported the rape. There was no information that the Government investigated these abuses.

During the year there were no Government investigations into the SHRF and Shan Women's Action Network (SWAN) 2002 report alleging that the Burmese Army used rape as a systematic weapon of war against the ethnic populations in Shan State.

The Government denied the SHRF/SWAN allegations of systematic rape and ordered three internal reviews. The Government stated it provided copies of its report on the investigations to the international community and to the UNSRHR. However, according to the UNSRHR, military and other government personnel with no special skills or experience in investigating human rights allegations undertook the investigations. Despite continued international pressure for independent assessments, these investigations reportedly consisted of prearranged, large, collective, and public meetings with local officials, organized by military personnel. The Government did not allow the UNSRHR to visit areas of conflict in Shan State to corroborate the information from his own interviews with refugees in Thailand. There were no new developments in the reported August 2002 rape of a 4-year-old child by an army captain in Yusomoso.

There is no information that the Government investigated or prosecuted anyone for the following rape cases in 2002: The case of two soldiers who beat and raped a woman doing laundry near Keng Tung Township and threw her unconscious into the river, the case of six or seven soldiers who reportedly raped two women in Mong Khak Township, or the hundreds of other cases reported by NGOs.

In central and southern Shan State, security forces continued to engage the SSA-South. The military maintained a program of forced relocation of villagers in that region that reportedly was accompanied by killings, rapes, and other abuses of civilians. AI reported in 2002 that 90 percent of the civilians from Shan State interviewed in Thailand said they had been subjected to unpaid forced labor by the military within the previous 18 months.

Despite ongoing abuses, Karen NGO sources indicated that human rights abuses in Karen State had declined significantly since the peace talks between the SPDC and the KNU began in December 2003.

There were no developments in the following cases from 2003: In June 2003, combined troops of the Burmese Army and a DKBA unit arrested and tortured a villager in Noeaw-lar village, Pa-an Township. When he later escaped, the troops extorted \$450 (450,000 kyat) and a cow from his mother. In July 2003, soldiers extorted \$200 (200,000 kyat) worth of food from the villagers in Sha-zi-bo village and abducted a woman from Zi-pyu-gon village. At year's end, it was not known if she had been released. Also in July 2003, in Nyaunglaybin district, government troops shot and killed a man from Thaw-nge-doe village, Kyauk-kyi Township, and took \$50 (50,000 kyat) from his body.

From August until mid-October 2003, government soldiers reportedly forced villagers from Na Bue Township to porter ammunition and supplies and to act as mine sweepers for the troops. Many villagers and prisoners have been killed or injured from resulting landmine explosions.

According to a 2002 Human Rights Watch (HRW) report, government troops conscripted children as young as the age of 11 (see Section 5).

The Government did not allege any serious abuses by insurgent groups during the year, though it did blame Thai-based exile groups for several small bombs that exploded near the Rangoon central train station on June 26. Some members of the insurgent groups committed serious abuses in 2003. For example, according to a government report, the KNU blew up a cinema hall in May 2003 in Phyu Township, Bago Division, injuring 50 persons. The KNU denied responsibility. UNICEF, AI, and HRW reported that insurgent groups as well as government forces recruited child soldiers (see Section 5).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law permits the Government to restrict freedom of speech and freedom of the press, and in practice, the Government continued to restrict these freedoms severely and systematically during the year. The Government continued to arrest, detain, convict, and imprison citizens for expressing political opinions critical of the Government, and for distributing or possessing publications in which opposition opinions were expressed (see Sections 1.d. and 1.e.). Security services also monitored and harassed persons believed to hold antigovernment opinions.

Legal restrictions on freedom of speech have intensified since 1996, when the Government issued a decree prohibiting speeches or statements that "undermine national stability." In all regions of the country, the Government continued to use force to prohibit all public speech critical of it by all persons, including persons elected to Parliament in 1990, and by leaders of political parties. The Government has pursued this policy consistently since 1990 with few exceptions.

In July 2003, the OCMI arrested five editors of the sports journal *First Eleven*, alleging they were involved in a plot against the junta. Some speculated, however, that they were actually arrested for publishing articles exposing corruption in local sports. The Government released three of the editors but charged the other two: Zaw Thet Htwe, a former student leader, and Soe Pa Pa Hlaing, daughter of an imprisoned NLD M.P.-elect. In November 2003, the Government sentenced Zaw Thet Htwe to death and released Soe Pa Pa Hlaing. In May, the Government commuted the death sentence to a 3-year term.

The NLD continued to press for substantive dialogue on political reform and publicly voiced criticisms of the policies and actions of the Government (see Sections 1.a. and 1.d.). In July, the NLD began collecting signatures on a letter to the SPDC calling for the release of Aung San Suu Kyi and U Tin Oo and for the reopening of party offices. In mid-August, authorities arrested nine NLD supporters and sentenced them to lengthy prison terms. On November 5 and 6, authorities in Danubyu Township arrested three NLD members: U Han Sein, U Than Htut and U Win Maung. They were held for 2 weeks with no charges and brought to court on November 19, allegedly for illegally "distributing leaflets." However, the leaflets were legally printed and sealed in an envelope at NLD headquarters. Consequently, they were tried on a different charge of violating State Law and Order Restoration Council Order 3/90, which restricted the right to assemble and campaign, and ordered to pay a fine of \$5 (5,000 kyat)--about 2 weeks wages--or face 2 months imprisonment. They paid the fine and were released. They plan to lodge an appeal in the Divisional Court.

Many prominent writers and journalists remained in prison for expressing their political views. The Paris-based organization Reporters Sans Frontieres reported that at least 15 journalists remained in prison at the end of 2003, including Ohn Kyaing, better known by his pen name Aung Wint, who wrote articles in favor of democracy and also was an NLD M.P.-elect from Mandalay. He has been in prison since 1990. Government censorship boards prohibited publication or distribution of works authored by those in prison.

The Government released four journalists during the year: On March 1, Aung Zin Min, a poet and magazine editor; on March 12, Kyi Tin Oo, a poet and journalist, who died on July 24 (see Section 1.b); on April 9, cameraman Khin Maung Win ("Sonny") who had served a 7-year sentence for filming an interview with Aung San Suu Kyi and sending the tapes abroad; on July 12, U Thar Ban, a lawyer and author (see Section 1.e.).

On the anniversary of the May 30, 2003 Depeyin attack, the OCMI arrested and detained for 1 week nine NLD youth members for distributing U.N. Development Program-issued pamphlets with the text of the Universal Declaration of Human Rights in Burmese around Rangoon. Also in May, a court sentenced former British Broadcasting Corporation (BBC) stringer Ne Min to 15 years in prison for passing information to Thai-based exile groups. On July 27, the Government arrested Kachin filmmakers Lazing La Htoi and No Htoi for producing a documentary about the recent flooding in Kachin State. The film documented flood-related deaths, contradicting the official version of the flooding. The authorities subsequently released the two.

The Government owned and controlled all daily newspapers and domestic radio and television broadcasting facilities. These official media remained propaganda organs of the Government and usually did not report opposing views except to criticize them. The only partial exception was the Myanmar Times, an English and Burmese-language weekly newspaper, targeted at the foreign community in Rangoon. The paper's co-owner, U Myat Swe, and his father, former OCMI officer, Brigadier General Thein Swe, were arrested in the wake of former Prime Minister Khin Nyunt's ouster in October. Although the Myanmar Times was both censored and pro-government, the newspaper occasionally reported criticisms of government policies by the U.N. and other international organizations.

All privately owned publications remained subject to prepublication censorship by state censorship boards. Due in part to the time required to obtain the approval of the censors, private news periodicals generally were published weekly. However, since 1996 the Government has given transferable waivers of prepublication censorship for weekly periodicals. As a result, weekly tabloids proliferated. Government controls encouraged self-censorship, and publications generally did not report domestic political news or sensitive economic and political topics.

Imported publications remained subject, in principle, to predistribution censorship by state censorship boards, and possession of publications not approved by the state censorship boards remained a serious offense. The Government also restricted the legal importation of foreign news periodicals and discouraged subscriptions to foreign periodicals (see Section 1.f.); however, foreign newspapers could be purchased in Rangoon. Some foreign newspapers and magazines were distributed uncensored.

The Government issued few visas to foreign journalists and held only a few of press conferences on political subjects. In previous years, the authorities detained and deported some journalists who entered the country as tourists; there were no such actions during the year. However, a correspondent for the BBC's Burmese Service, who entered the country as a tourist, was told verbally to leave. Another correspondent for the same organization, who also entered the country as a tourist, was not bothered while in the country. During the year, the Government held several press conferences, including one on narcotics control and another on the explosions at the Rangoon central train station. Burmese representatives of international media organizations were allowed to attend.

Due to widespread poverty, limited literacy, and poor infrastructure, radio remained the most important medium of mass communication. News periodicals rarely circulated outside urban areas. The Government continued to monopolize and control the content of the two domestic radio stations. Foreign radio broadcasts, such as those of Radio Free Asia, the Voice of America, the BBC, and the Democratic Voice of Burma remained the principal sources of uncensored information. Ownership of small Chinese-made radio receivers increased significantly in recent years.

The Government continued to monopolize and to control tightly all domestic television broadcasting, offering only three channels, including an armed forces channel. The general population was allowed to register satellite TV receivers for a fee. Illegal satellite television was also available, but access to satellite television remained far beyond the reach of the vast majority of the impoverished population. The Television and Video Law makes it a criminal offense to publish, distribute, or possess a videotape not approved by a state censorship board; however, this law was selectively enforced. In August, Aung Kyin, an M.P.-elect from Myaungmya Township, Irrawaddy Division, was arrested--along with three other members of the NLD--for allegedly distributing illegal videotapes. The authorities released all four after a few days following Aung Kyin's resignation from the Party.

The Government strictly monitors and censors all cultural events. On June 20, according to media sources, OCMI arrested the members and concert organizers of a hip-hop band, after it performed its first concert at the Strand Hotel in Rangoon. Sources reported that the detainees were taken to an unknown location for interrogation, and subsequently released on July 9.

The Government systematically restricted access to electronic media. All computers, software, and associated telecommunications devices were subject to registration, and possession of unregistered equipment was punishable by imprisonment (see Section 1.f.).

Until October, OCMI operated the more popular of the country's two Internet service providers (ISP), offering expensive, censored Internet service to those who could afford it. After October, the army signal corps and the Ministry of Communications took control of the ISP. There are several Internet cafes; however, access was costly and the Government restricted full access to the World Wide Web and prohibited the use of commercial free e-mail providers. The Government also monitored all e-mail communications.

The Government restricted academic freedom. University teachers and professors remained subject to the same restrictions on freedom of speech, political activities, and publications as other state employees. The Ministry of Education routinely warned teachers against criticizing the Government. It also instructed them not to discuss politics at work, prohibited them from joining or supporting political parties or from engaging in political activity, and required them to obtain advance approval for meetings with foreigners. Like all state employees, professors and teachers are required to join the USDA, the Government's mass mobilization organization. Teachers at all levels also continued to be held responsible for the political activities of their students. Foreigners were not permitted on university campuses without prior approval and were not allowed to attend any meetings involving students, including graduation ceremonies.

In recent years, the Government took a number of measures to limit the possibility of student unrest. Undergraduate campuses were moved to remote areas, teachers and students were warned that disturbances would be dealt with severely, and most on-campus dormitories were closed. The quality of education deteriorated to such an extent that many students opted to use self-study or private tutoring. Immediately after the May 2003 attack on the NLD, the Government closed the University of Distance Education and the Rangoon Arts and Science University for 3 weeks. The Government placed heavy security around other schools that were open, even during summer vacation.

The Government tightly controlled the limited number of private academic institutions in the country as well as what they were allowed to teach. Similar controls extended to Buddhist monastery-based schools, Christian seminaries and Sunday schools, and Muslim Madrassas.

b. Freedom of Peaceful Assembly and Association

The law limits the freedom of assembly, and the Government restricted it in practice. An ordinance officially prohibits unauthorized outdoor assemblies of more than five persons, although the ordinance was not enforced consistently. The Government forced civil servants to join the USDA, a pro-government mass organization created by the SPDC, and organized mass rallies of USDA members in support of the Government's seven-step road map to democracy.

On April 17, the Government allowed the NLD to re-open its Rangoon headquarters, closed following the May 2003 attack. However, all other NLD offices remained closed by Government order and the NLD could not conduct party activities outside its headquarters building. The nine other legally registered political parties were required to request permission from the Government to hold meetings of their members. During the year, meetings occurred outside the NLD offices without Government permission, such as regular Tuesday visits by an NLD women's group to Rangoon's Shwedagon Pagoda; however, OCMI watched these "illegal" activities closely, and the Government prohibited those participating from wearing political pins, badges, and jackets.

The Government continued to bar the Parliament elected in 1990 from convening. On May 17, the Government reconvened the NC, disbanded since 1996, as part of a democracy road map that would "nullify" the results of the 1990 election and approve a new constitution. However, the Government did not allow the participation of the NLD and other pro-democracy parties, did not allow delegates to the NC to discuss the Convention outside of the NC site, and threatened to enforce harsh laws against any who criticized the NC or the draft constitution.

Government authorities prohibited a delegation of NLD members from paying their respects at the tomb of Aung San, the father of Aung San Suu Kyi, on Martyrs' Day (July 19).

The Government at times interfered with the assembly of religious group members (see Section 2.c.).

The Government restricted freedom of association, particularly in regard to members of the NLD, pro-democracy supporters, and those who contacted exile groups. During the year there were several arrests and sentences for "illegal contact" with cross-border exile groups, especially the Federation of Trade Unions of Burma (FTUB) and NLD-Liberated Areas (see Sections 1.b, 1.d, and 2.a). Over the years, the Government continued to coerce NLD members, including NLD M.P.s-elect, to resign from their party positions. The Government fired at least five civil servants for showing support for Aung San Suu Kyi during her 2003 countrywide travels.

AI reported that in January the Government sentenced seven students from Dagon University to between 7 and 15 years in prison for forming an illegal association (a sports club) in June 2003.

The Government compelled civil servants to join the USDA pro-junta mass organization. The Government coerced secondary school and college-level students to join when registering for classes. The Government also coerced skilled trades workers and professional association members to join the USDA.

In general, freedom of association existed only for government-approved organizations, including trade associations, professional bodies, and the USDA. Few secular, nonprofit organizations existed, and those that did took special care to act in accordance with Government policy. There were 10 legally registered political parties, but most were moribund.

c. Freedom of Religion

The Government has governed without a constitution since 1988. Constitutional support for religious freedom does not exist. Most religious adherents registered with the authorities generally were free to worship as they chose; however, the Government imposed restrictions on certain religious activities and promoted Buddhism over other religions in some ethnic minority areas. In practice, the Government also restricted efforts by Buddhist clergy to promote human rights and political freedom.

There were no reported incidents of religious violence during the year. However, in October and November 2003, there were several incidents of Buddhist-Muslim violence near Mandalay and in Rangoon. Muslim groups in Rangoon claimed that 11 persons were killed and 2 mosques were destroyed near Mandalay. It was unclear what sparked these clashes. Although it was slow to react to the incidents in Mandalay, the Government reacted quickly in Rangoon, sending troops into Muslim neighborhoods and imposing a strict curfew on Buddhist monasteries. This latter action caused resentment among many Buddhist monks, and the authorities arrested several monks for not observing the curfew. Overall, the Government arrested approximately 70 Buddhists, including 44 monks, and 70 Muslims for their participation in the violence. The fate of the monks and Buddhists is not known, but a Muslim group reported that in December 2003 a court sentenced 30 Muslims from near Mandalay to prison and sentenced 1 person to death for their role in the violence and the death of a senior Buddhist monk.

The Government's pervasive internal security apparatus sought to infiltrate or monitor meetings and activities of virtually all organizations, including religious ones. Religious activities and organizations also were subject to restrictions on freedom of expression and association.

Virtually all organizations, religious or otherwise, must be registered with the Government. Although an official directive exempted "genuine" religious organizations from registration, in practice only registered organizations were allowed to buy or sell property or open bank accounts. Thus, most religious organizations registered with the Government. In addition, the Government provided some utilities at preferential rates to recognized religious groups. There was no official state religion; however, the Government continued to show preference for Theravada Buddhism, the majority religion. For example, the Government continued to fund two state-run Buddhist universities in Rangoon and Mandalay. The Government also hosted the World Buddhist Summit from December 9-11.

The Government continued its efforts to control the Buddhist clergy (Sangha). It tried members of the Sangha for "activities inconsistent with and detrimental to Buddhism" and imposed on the Sangha a code of conduct that was enforced by criminal penalties. In a November report, the Assistance Association for Political Prisoners in Burma estimated that there are approximately 300 monks and novices in Burma's prisons. In December 2003, 26 monks from Mahagandayon Monastery in Rangoon were defrocked and then sentenced by the Government to 7 to 18 years in prison for refusing to accept offerings from a senior military official. The Government also subjected the Sangha to special restrictions on freedom of expression and freedom of association. The military Government prohibited any organization of the Sangha other than the nine state-recognized monastic orders under the authority of the State Clergy Coordination Committee (Sangha Maha Nayaka Committee). The Government prohibited all religious clergy from being members of any political party.

The Government continued to restrict the building of religious structures by minority religious groups and limited the educational and proselytizing activities of these groups.

In most regions of the country, Christian and Muslim groups that sought to build small churches or mosques on side streets or other inconspicuous locations occasionally were able to proceed, but only based on informal approval from local authorities. These groups reported that formal requests encountered long delays, generally were denied, and could be reversed by a more senior authority. In June, a Chin human rights group reported that a more senior

military official reversed a local commander's decision to allow construction of a new Baptist church in southern Chin State.

The Government appeared to discriminate against non-Buddhists at the upper levels of the public sector. There are no non-Buddhist members in the SPDC, in the Cabinet, or among active flag rank officers of the armed forces. The Government actively discouraged Muslims from entering military service, and Christian or Muslim military officers who aspired to promotion beyond the rank of major were encouraged to convert to Buddhism. In some ethnic minority areas, such as Chin State, there were reports that the SPDC offered troops financial and career incentives to marry Christian Chin women, teach them Burmese, and convert them to Buddhism.

The Government discourages proselytizing by all clergy. Evangelizing religions, like some Christian denominations and Islam, were most affected by these restrictions. In general, the Government has not allowed permanent foreign religious missions to operate in the country since the mid-1960s, when it expelled nearly all foreign missionaries and nationalized almost all private schools and hospitals.

There continued to be evidence that Christian Chins were pressured to attend Buddhist seminaries and monasteries and were encouraged to convert to Buddhism. In April, an exile Chin human rights group reported that local authorities forced 15 Chin pastors to participate in Buddhist New Year events to demonstrate "unity" with Burman Buddhists. The same human rights group claimed that local government officials lodged the children of Chin Christians in Buddhist monasteries in which they were given religious instruction and converted to Buddhism without their parents' knowledge or consent. Reports suggested that the Government sought to induce members of the Naga ethnic group in Sagaing Division to convert to Buddhism by similar means.

Religious publications remained subject to control and censorship (see Section 2.a.). Translations of the Bible and Koran into indigenous languages could not be imported legally; however, with the Government's permission, Bibles in indigenous languages could be printed locally.

Citizens and permanent residents of the country were required to carry Government-issued national registration cards that often indicated religious affiliation and ethnicity. There appeared to be no consistent criteria governing whether a person's religion was indicated on his or her identification card. Citizens also were required to indicate their religion on some official application forms, such as for passports.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Although the Government restricted freedom of movement, most citizens, with a few exceptions such as Muslims traveling to and from Rakhine State and some political party members, were able to travel within the country. However, citizens' movements were monitored, and they were required to notify local officials of their whereabouts (see Section 1.f.). Movement was limited in areas of armed conflict. Citizens were subjected to arbitrary relocation.

The Government continued to hold NLD leaders Aung San Suu Kyi and U Tin Oo under house arrest and rigorously curtailed freedom of movement of other opposition political leaders. Early in 2003, government-affiliated groups increasingly harassed democratic opposition members during travel outside of Rangoon, culminating in the attack in May 2003 and the subsequent arrest, detention, and eventual release of most of the survivors (see Sections 1.d. and 2.b.). The Government maintained close control over ethnic leaders' movements, requiring them to seek permission from the Government before making any domestic trips.

Ethnic minority areas previously affected by conflict, such as the large Karen areas of Irrawaddy Division, continued to experience tight controls on personal movement, including frequent military checkpoints, monitoring by OCMI, and military garrisons. "Informal taxes," or bribes, were extracted at checkpoints in border areas. In Rakhine State, many controls and checkpoints applied only to the Muslim population (see Section 5).

The Government tightly controlled the movement of Muslim Rohingyas, who are not granted full citizenship rights, in Maungdaw, Buthidaung, and Rathedaung Townships along the Bangladesh border. The Government also required other noncitizens, generally ethnic South Asians or Chinese, to obtain prior permission to travel internally. Nonetheless, the country's borders with China, Thailand, Bangladesh, and India remained very porous with significant undocumented migration and commercial travel occurring during the year.

An ordinary citizen needs three documents to travel outside the country: a passport from the Ministry of Home

Affairs; revenue clearance from the Ministry of Finance and Revenue; and a departure form from the Ministry of Immigration and Population. In 2002, in response to the trafficking in persons problem, the Government tightened the documentation process in ways that hinder or restrict international travel for the majority of women.

New passport procedures went into effect on August 6 that allow citizens to retain their passports after completing trips abroad through their validity dates, namely: 1 year for incidental travel; 3 years for dependents; 4 years for employment; and 18 months for those traveling on business. The Government also announced that it intended to issue up to 3,000 "e-passports" for businessmen that contain electronic chips, which make them machine-readable. These passports would be valid for 3 years.

The Government carefully scrutinized prospective travel abroad for all passport holders. Rigorous control of passport and exit visa issuance perpetuated rampant corruption, as applicants were forced to pay bribes of roughly \$300 (300,000 kyat), the equivalent of a yearly salary, to around \$1,000 (1 million kyat) for a single woman under 25 years of age. The board that reviews passport applications denied passports on political grounds. College graduates who obtained a passport (except for certain official employees) were required to pay a fee to reimburse the Government for the cost of their education. Citizens who emigrated legally generally were allowed to return to visit relatives, and some who lived abroad illegally and acquired foreign citizenship also were able to return.

The Government loosened its restrictions on travel outside of Rangoon by foreign diplomats and foreign U.N. employees based in Rangoon to allow travel to designated tourist sites without prior permission; all other travel required advance permission. The Government waived the requirement for employees of the ILO and the ICRC. The Government required all foreign and local residents, except diplomats, to apply for authorization to leave the country.

Restrictions on nonresident foreigners' travel to some areas of the country were relaxed. The Government also inaugurated a "visa on arrival" system, which still required predeparture application for a visa via the Internet. The country's embassies now generally issue tourist visas, valid for 1 month, within 24 hours of application. However, certain categories of applicants, such as human rights advocates, journalists, diplomats, and political figures regularly were denied entry visas unless traveling under the aegis of a sponsor acceptable to the Government and for purposes approved by the Government.

The abrogated 1974 Constitution did not provide for forced exile, and the Government did not use forced exile.

The Government has not established legal arrangements to accept Burmese citizens deported from other countries; however, in the past, the Government has accepted the return of several thousand illegal migrants from Thailand and has begun preliminary discussions with international organizations on the potential repatriation of Karen refugees now living in Thailand.

There were a large number of internally displaced persons (IDPs) in the country. According to the U.S. Committee for Refugees, there were at least 600,000, and possibly as many as 1 million IDPs in the country at year's end (see Section 1.f.).

During the year, despite the start of peace talks between the SPDC and the KNU, the military continued to abuse thousands of villagers and drove them from their homes, particularly during military campaigns in Karen, Kayah, and Shan States (see Section 1.f.). Christian Solidarity Worldwide (CSW) and other Thai-based NGOs reported that in January and February more than 5,000 Karen and Karenni persons were displaced in the area along the Karen-Karenni state border because of army offensives. CSW also reported in June and July that the army and its allied Karenni Solidarity Organization launched offensives, which displaced more than 1,000 Karenni villagers living near the Karen State border.

Karen groups reported that most fighting in central Karen State stopped as of February. However, there were credible reports of renewed attacks on villages in Karen State after the rainy season ended in September (see Section 1.g.).

Harassment, fear of repression, and deteriorating socio-economic conditions continued to force many citizens to leave for neighboring countries and beyond. In border regions populated by minority ethnic groups, the Government continued its practices of forced labor, confiscation of lands, compulsory contributions of food, and forced relocations. These policies produced hundreds of thousands of refugees in neighboring countries such as Thailand, China, India, Malaysia, and Bangladesh. The UNHCR reported that 30,000 to 40,000 Chin refugees and economic migrants were living in difficult conditions on the India side of the border at the end of the year and that several thousand of these individuals were pressured to return to Burma. Some returned while others remained in India.

During the year, there were credible reports that security forces burned villages in Nyaunglebin district of Karen State and prevented the villagers from returning (See section 1.g.).

Rohingya Muslims who returned to Rakhine State were not stigmatized for having left, but were discriminated against for being Rohingya. Returnees claimed that they faced restrictions on their ability to travel, to engage in economic activity, to get an education, and to register births, deaths, or marriages.

In February, the Government gave permission to the UNHCR to send assessment teams into areas of Karen State, Mon State, and Tanintharyi Division (along the Thai border) previously off limits. The Government cooperated with UNHCR in allowing initial familiarization visits to begin planning for local villages to receive some or all of the refugees now resident in Thailand.

The law does not provide for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has not established a system for providing protection to refugees.

There were no reports that persons formally sought asylum in the country during the year. There were no reports of forced repatriation.

Section 3 Respect for Political Rights: The Right of Citizens to Change their Government

Citizens did not have the right to change their government. The SPDC continued to prevent the Parliament elected in 1990 from convening. The military junta continued its systematic use of coercion and intimidation to deny citizens the right to change their government.

Since 1962, active duty military officers have occupied the 13 most important positions in the central Government and in local governments, and the SPDC placed active duty or retired military officers in most key senior-level positions in all ministries. At year's end, active duty or retired military officers occupied 33 of 38 ministerial-level posts, including the Prime Minister, and also the mayoral posts in Rangoon and Mandalay.

Following the NLD's victory in the 1990 elections, the military junta refused to implement the election results and disqualified, detained, or imprisoned many successful candidates (see Sections 1.d. and 1.e.). During the year at least four NLD M.P.s-elect fled the country.

In 1998, the NLD leadership organized the Committee to Represent the People's Parliament (CRPP) on the basis of written delegations of authority from a majority of the surviving M.P.s-elect of the 1990 Parliament. The CRPP considered itself as acting on behalf of the Parliament until the Parliament is convened. In retaliation the Government launched a sustained and systematic campaign to destroy the NLD without formally banning it; the authorities pressured many thousands of NLD members and local officials to resign and closed party offices throughout the country. At year's end, a total of 12 M.P.s-elect remained in prison for political reasons; Sein Hla Oo, Ohn Kyaing, and Khin Maung Swe, have been in prison since the early 1990s under harsh conditions.

In the 1990 election, 392 NLD members won seats. Of that number, 132 remain elected members. Self-exiles (19), deaths (71), and forced resignations or barring (170) account for the balance. Those in the last category resigned for various reasons. For example, the USDA staged rallies of "no confidence" against some of the elected members. The USDA and OCMI officials pressured the families, as well as the members themselves. In addition, the NLD expelled 25 of its members for breach of party discipline. Nine of the expelled M.P.s were allowed to become independent M.P.s by the government Election Commission. The CRPP has not disqualified any elected members.

On May 17, the Government reconvened the NC, first convened from 1993-96, as part of a democracy road map that would nullify the results of the 1990 election and adopt a new constitution. The Government convened the NC with more than 1,000 handpicked delegates, including representatives from 17 ethnic cease-fire groups. However, it effectively barred participation by the major political parties, including the NLD and others that won seats in the 1990 elections, and prohibited free debate on the drafting of a new constitution. The Government threatened 5 to 20 years in prison for any criticism of the process. The NC adjourned for a recess on July 9.

In a January report to the U.N. Commission on Human Rights, the UNSRHR noted that the Government's road map to democracy must "firmly entrench human rights principles" for it to be successful. After the Government convened the NC without the NLD or other opposition political parties, the UNSRHR noted on June 1 that the NC process was

thus far a "meaningless and undemocratic exercise."

In a statement submitted to the U.N. General Assembly (UNGA) on August 30, the Special Rapporteur noted that the concerns regarding the NC process expressed in the January report have not been addressed; and, "that the necessary steps to ensure minimum democratic conditions for the reconvening of the NC have not been taken." In his statement to the United Nations Third Committee on October 28, the UNSRHR asserted that "a credible process of national reconciliation and political transition is not possible without two fundamental conditions: the early release of all political prisoners, and the relaxation of restrictions which continue to hamper the ability of political parties and ceasefire partners to operate." He also said it was "essential" that the Government resume cooperation with the U.N. Secretary General's envoy Razali Ismail.

Corruption is systemic at all levels of the Government and society. It is considered by economists and businesspersons to be one of the most serious barriers to investment and doing business in the country. A Byzantine and capricious regulatory environment fostered corruption.

The authorities rarely and inconsistently enforce the anti-corruption statute--they usually do so only when the junta's senior generals want to take action against an official whose egregious corruption has become an embarrassment. On November 7, the SPDC published an explanation of deposed Prime Minister Khin Nyunt's ouster that included charges of "bribery and corruption" against the former junta member. Other accounts suggest these charges were accurate, but he has yet to be put on trial or examined in any other form of public hearing. Hundreds of Khin Nyunt's family and associates were detained or interrogated in the wake of his ouster. The junta also claimed it had convicted 186 "personnel" from the military and three civilian departments for their involvement in corruption at Muse, a border checkpoint managed by OCMI.

The Government did not provide access to most official documents, nor is there a law allowing for it. Most Government data is classified or controlled. Government policymaking was not transparent, with decision-making confined to the top layers of government, and new government policies rarely were published or explained openly.

Women were excluded from political leadership. There were no female or ethnic minority members of the SPDC, cabinet, or Supreme Court.

Members of certain minority groups also were denied full citizenship and a role in government and politics (see Section 5).

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Government did not allow domestic human rights organizations to function independently, and it remained generally hostile to outside scrutiny of its human rights record.

In addition to the ICRC and several U.N. agencies, approximately 35 nonpolitical, international humanitarian NGOs operated in the country. A few others have established a provisional presence while undertaking protracted negotiations necessary to establish permanent operations in the country. Some international humanitarian NGOs and U.N. agencies reported an increase in contact with regional government officials and some government ministries demonstrated an increased willingness to engage on previously taboo subjects such as trafficking in persons, HIV/AIDS, child soldiers, and education.

In February, the Government and the UNHCR signed an agreement to allow UNHCR access to previously off-limits conflict areas in Karen State and Tanintharyi Division (see Section 2.d). The UNHCR subsequently made "assessment" trips to the region, but it has not established a permanent presence there.

The Government continued to restrict the travel of foreign journalists, NGO staff, some U.N. agency staff, and diplomats in some regions. Human rights advocates regularly were denied entry visas unless traveling under the aegis of a sponsor acceptable to the Government and for purposes approved by the Government (see Section 2.d). The Government's monitoring of the movements of such foreigners, its frequent interrogation of citizens concerning contacts with foreigners, its restrictions on the freedom of expression and association of citizens, and its practice of arresting citizens who passed information about Government human rights abuses to foreigners all impeded efforts to collect or investigate human rights abuses. Reports of abuses, especially those committed in prisons or ethnic minority areas, often emerged months or years after the abuses allegedly were committed and seldom could be verified.

Some international NGOs and U.N. agencies were required to have a government representative accompany them on field visits, at the NGOs' expense--though this rule was not consistently enforced (see Section 1.f.).

Despite repeated requests, the Government did not permit the UNSRHR to visit the country during the year. In 2003, the UNSRHR visited the country twice. He cut short his first visit when he discovered an electronic listening device installed in a government-controlled room where he was interviewing a political prisoner. In his January report to the U.N. Commission on Human Rights, the UNSRHR noted that the "events" of May 2003 "have resulted in a setback for human rights in Burma." The UNSRHR called on the Government to conduct a "full and independent" inquiry into the Depeyin attack. He also reiterated his call for an investigation into "serious human rights abuses" in ethnic minority areas--namely Shan State.

In his August 30 report, the Special Rapporteur took note of the Government's cooperation with the U.N. Committee on the Rights of the Child. However, in view of the prevailing situation, the Special Rapporteur stated in August that the conclusions and recommendations contained in his January report remained valid.

On October 28, in a statement to the UNGA, the UNSRHR reported the information he had received during the reporting period, "indicates that the situation with regard to the exercise of fundamental human rights and freedoms in Myanmar has not substantially changed, and may have even worsened.... The effects of the events of 30 May 2003 in Depeyin have yet to be fully reversed and those responsible for the attacks, injuries and deaths continue to enjoy impunity."

Nevertheless, the ICRC continued to operate freely in the country conducting its normal range of operations (protection, physical rehabilitation, basic hygiene and healthcare).

In July 2003, OCMI arrested 11 and sentenced 9 persons to death for "conspiracy against the government," for their alleged role in a coup plot. In November 2003, a court sentenced three of those arrested in July, Naing Min Kyi, Shwe Man, and Aye Myint, to death in part for having contacts with the ILO and the Thai-based labor group the FTUB. Subsequent ILO diplomatic efforts led to a special appeals court reducing the death sentences to 3-years' imprisonment for Naing Min Kyi and Aye Myint. The special court reduced Shwe Man's sentence to life in prison. An October decision further reduced Shwe Man's sentence to 5 years, and the sentences of the others to 2 years.

The Government's Human Rights Committee was chaired by the Minister of Home Affairs and included the Chief of Police. During the year, members of the Human Rights Committee attended seminars on trafficking and juvenile justice hosted by U.N. agencies. In 2003, the UNHCR conducted refugee law and human rights seminars. The Australian Government suspended its human rights training program after the May 2003 attack. The Government received ILO complaints of labor violations and stated that it was conducting investigations into the violations, however there were no known arrests or public prosecutions of officials for labor violations (see Section 6).

Section 5 Discrimination, Societal Abuses and Trafficking in Persons

The SPDC continued to rule by decree and, due to the abrogation of the 1974 Constitution, was not bound by any constitutional provisions concerning discrimination.

Women

Domestic violence against women, including spousal abuse, is a problem; however, because the Government did not release statistics regarding spousal abuse or domestic violence, it is difficult to measure.

Rape is illegal; however, spousal rape is not a crime unless the wife is under 12 years of age. Married women often lived in households with extended families, where social pressure tended to protect the wife from abuse. The Government did not release statistics regarding rape; however, the Government stated that rape was not common in populous urban areas, but occurred more often in remote areas. Nonetheless, it was generally considered unsafe for women to travel during hours of darkness without a male escort and employers typically had to supply a bus or truck to return female workers to their homes at night. Use of taxis at night was considered particularly hazardous for women because of the risk of rape or robbery. Prostitutes traveling at night typically must pay substantial additional fees to taxi operators or risk being raped, robbed, or turned over to the police. There are credible reports from NGOs and diplomatic sources that prostitutes taken into police custody were sometimes raped or robbed by the police. Incidents of rape in conflict areas and other ethnic minority areas continued (see Section 1.g.).

Prostitution is prohibited by law and punishable by 3 years in prison; however, it was growing in prevalence,

particularly in some of Rangoon's "border towns" and "new towns," which were populated chiefly by poor families that were relocated forcibly from older areas of the capital. In 2003, there were credible reports that a large number of female prostitutes were imprisoned and subjected to abuse while incarcerated. The Government and at least one international NGO operated schools and other rehabilitation programs for former prostitutes.

There were no laws against sexual harassment.

Consistent with traditional culture, women kept their names after marriage and often controlled family finances. However, women remained underrepresented in most traditional male occupations, and women continued effectively to be barred from a few professions, including the military officer corps. Poverty affected women disproportionately. Women did not receive equal pay for equal work on a consistent basis. Women legally were entitled to receive up to 26 weeks of maternity benefits; however, in practice these benefits often were not accorded them.

There were no independent women's rights organizations, though there were several with some relationship to the Government. The Myanmar National Committee for Women's Affairs (and its subgroup the Myanmar National Working Committee for Women's Affairs), in the Ministry of Social Welfare, had branches in all 14 states and divisions and was the primary government organization responsible for safeguarding women's interests. The Myanmar Women's Affairs Federation, established in December 2003 and chaired by the wife of Prime Minister Lieutenant General Soe Win, was the primary "nongovernmental" women's rights organization. The Myanmar Maternal and Child Welfare Association, a government-controlled agency, provided assistance to mothers. The Myanmar Women Entrepreneurs' Association, a professional society for businesswomen, provided loans to women for starting new businesses.

Children

Children under the age of 18 constituted approximately 40 percent of the population. Children were at high risk as destitute parents take them out of school to beg or to work in factories and teashops. Some were placed in orphanages. With few or no skills, increasing numbers of children worked in the informal economy or in the streets where they were exposed to drugs, petty crime, risk of arrest, sexual abuse and exploitation, and HIV/AIDS.

There was no adequate child protection or juvenile justice system. Efforts in this regard are severely constrained by lack of resources. The Department of Social Welfare (DSW) was in charge of the provision of limited social welfare services, and there were only a few officially appointed social workers.

The Government cooperated with the U.N. Committee on the Rights of the Child. In June, the Committee's chairman visited the country. UNICEF reported close working relationships with the DSW and the Ministry of Education, where it worked to support primary education and instruction in minority languages. Faith-based organizations, Buddhist monks and nuns, and private community-based groups also provided educational and other support for children.

The Government continued to allocate minimal resources to public education. According to the latest available statistics, in fiscal year 2003-04 (April-March), official expenditures for all civilian education were equivalent to 1.3 percent of the Government budget. Public schooling was ostensibly provided free through the 10th standard (around age 16). However, on average, public school teachers' pay was equal only to approximately \$7 (7,000 kyat) per month, far below subsistence wages, forcing many teachers to leave the profession, or demand payments from their students. Thus, many families had to pay to send their children to school, even at the primary level. In some areas where families were not able to afford unofficial payments, teachers generally ceased work. In response to official neglect, private institutions began to provide assistance in education, despite a legal ban on private schools.

Education is compulsory through the 4th standard. UNICEF reports that 50 percent of primary school students drop out of school before finishing the 4th standard. Rates of school attendance and educational attainment decreased during the year, largely due to rising formal and informal school fees as the Government diverted expenditures from health and education to the armed forces. There was no difference in the attendance rate of boys and girls.

The Government promoted Buddhist monastic schools in rural areas and subsidized Buddhist universities in Rangoon and Mandalay. In ethnic minority areas, the Government often banned teaching in local languages.

Children also suffered greatly from the Government's severe neglect of health care. Although the Government doubled its budget for the Ministry of Health in FY 2003-04, it still amounted to only 1.2 percent of total Government expenditures. There were no reports that the Government discriminated between boys and girls in the provision of

health care. In 2001, the latest data available, official studies sponsored by U.N. agencies found that, on average, 109 of 1,000 children died before reaching the age of 5 years, and that only 1 out of 20 births in rural areas was attended by a doctor. A joint Ministry of Labor and U.N. Populations Fund (UNFPA) study in 2001 indicated that, among children under 5 years of age, 7.9 percent were severely malnourished. A joint Ministry of Health and UNICEF report in 2000 indicated that on a national level 35.3 percent of children under 5 are moderately to severely underweight, 33.9 percent are moderately to severely underdeveloped, and 9.4 percent are moderately to severely emaciated. The World Health Organization considered the country's health care system to be extremely poor.

The law prohibits child abuse. The Government stated that child abuse was not a significant problem; however, the Government did not release supporting statistics. On May 26, the U.N. Committee on the Rights of the Child met to consider the country's second periodic report. The Committee issued its concluding observations on June 4, noting that it remained "seriously concerned at the lack of appropriate measures, mechanisms, and resources to prevent and combat domestic violence, including physical and sexual abuse and neglect of children; the limited number of services for abused children; as well as the lack of data on the aforementioned."

Child prostitution and trafficking in girls for the purpose of prostitution--especially Shan girls who were sent or lured to Thailand--continued to be a major problem. In Rangoon and Mandalay, diplomatic representatives noted widespread employment of female prostitutes who appeared to be in their early teens and for whom there was reportedly a high demand. Additionally, some brothels offered young teenage "virgins" to their customers for a substantial additional fee. The June U.N. Committee on the Rights of the Child report commented: "The Committee is concerned over the increasing number of child victims of sexual exploitation, including prostitution and pornography, especially among those engaged in child labor and street children. Concern is also expressed at the programs for the physical and psychological recovery and social reintegration of child victims of such abuse and exploitation which remain insufficient and inadequate."

The official age of enlistment in the army is 18 years. In the past, army recruitment drives have targeted children to meet quotas for the ostensibly all volunteer army, but anecdotal evidence, at least in Rangoon, suggests this practice is now not as common. Nevertheless, there was evidence of forced recruitment of child soldiers by the army.

Ethnic minority cease-fire and insurgent groups also forcibly conscripted child soldiers, and there were numbers of child soldiers with these forces, particularly the United Wa State Army.

In his report on January 5, the UNSRHR expressed "deep concern about reported cases of boys forcibly recruited by the military... they range in age from 14 to 16 years old and were sent to support military activities in some ethnic area." He further noted, "worrying indications that... this practice may be widespread among government troops as well as among insurgent armies." On that same day, the Government established the Committee for Preventing Recruitment of Child Soldiers, which met again on August 4 and purportedly issued new rules and regulations to punish those who recruit child soldiers. In March, diplomatic observers received a report that the authorities had arrested more than a dozen children in Rangoon and forced them into military service.

In March and April, the ILO notified the Government of nine allegations of forced recruitment of children into the military. Two of the cases involved boys who had been sentenced to prison, or who were facing court martial for desertion. The Government investigated and reported to the ILO on eight of these cases, but claimed no incidents of forced recruitment. In two cases, the military released the boys who returned home, but there was no further action. In five cases the Government insisted the boys were above 18 years old. The Government was unable to find one of the alleged child soldiers.

The June U.N. Committee on the Rights of the Child report welcomed the establishment of the Government's child soldier committee, but noted the Committee remained "concerned by the impact of the armed conflicts on children, especially the use of children below the age of 15 years as soldiers by both government armed forces and armed ethnic groups."

According to a U.N. source, on November 12, a military conscription unit of three soldiers visited Se Ywa village of Thongwa Township, Rangoon Division. Four youths were required to accompany the soldiers to the military conscription center at Mingaladon, Thongwa Township. Residents say that the youths were subsequently sent to Military Training Center No. 6 in Patheingyi. The parents of the students filed complaints with the Government's Committee for Preventing Recruitment of Child Soldiers.

A 14-year-old boy was picked up by a trishaw driver while en route home from school in November 2002 and "enlisted" in the Army. The boy's parents wrote to the newly established Committee for Preventing Recruitment of

Child Soldiers in April and were able to trace their son to an Army post in Lashio (Shan State). His Battalion Commander was subsequently ordered by the Directorate of Military Training to send the young soldier to a Military Language School in Shan State. The parents now know where their son is located, although he is not with them.

In 2002, an M.P.-elect from Karen State filed a police report that a 15-year-old boy was missing minutes after arriving in Rangoon railway station. The Rangoon police suggested looking for him at the Hmawby army recruit camp near Rangoon, where the M.P.-elect found three sets of parents also looking for their children. Six boys were brought forward and the M.P.-elect was able to identify and retrieve the boy.

Several international NGOs and agencies promoted the rights of children in the country, including ICRC, World Vision, Save the Children UK, CARE, UNICEF, the U.N. Development Program, and foreign governments. UNICEF expanded its operations in May to open a separate child protection section. On July 12-13, UNICEF, in conjunction with the Supreme Court of Burma, ran a "National Workshop on Juvenile Justice and Child Protection" that concluded an action plan aimed at strengthening the existing juvenile justice system.

Trafficking in Persons

The law does not prohibit trafficking in persons; however, there are laws that are used against traffickers, such as those that prohibit kidnapping; and, the Suppression of Prostitution Act and the Child Law, which include provisions against the sale, abuse, or exploitation of children.

There are laws specifically against child prostitution and child pornography; however, they were not effectively enforced. An NGO reported in May that the Government arrested, tried, and convicted a foreigner for sexual abuse of a child. This was reportedly the first such conviction. Reports from Thailand indicated that the rising incidence of HIV infection there increased the demand for supposedly "safer," younger prostitutes, many of whom came from Burma. Trafficking in children within the country also appeared to be a growing problem; however, there were no reliable statistics regarding its extent.

According to the Government, 335 traffickers received jail sentences ranging from under 5 years (78) to life imprisonment (2) from July 2002-July 2004. The largest number (177) received sentences of between 5 and 10 years. According to government figures, 412 cases were filed during the same period, resulting in 166 convictions. Government data show Thailand as the primary destination for trafficking victims (nearly 80 percent), with much smaller numbers going directly to China, Bangladesh, and India. The Ministry of Home Affairs also reported that it had distributed information about human trafficking to some 702,000 persons living in border areas during the period, 2001-2004.

Officials recognized the importance of preventing trafficking and prosecuting traffickers. Although the Government was active on these fronts, its effectiveness was unclear at year's end. The Government expanded cooperation with international and local NGOs. On April 28, the Government issued the Mutual Assistance in Criminal Matters law, which allows for international cooperation to pursue transnational crime (including trafficking). Over the course of the year, the Government hosted ministerial-level meetings, in coordination with the U.N., with countries in the region to discuss the problem of trafficking in persons.

The Coordinated Mekong Ministerial Initiative against Trafficking met in Rangoon, October 27-29, to sign a Memorandum of Understanding pledging mutual cooperation on the problems involved and to develop a related action plan. Senior government and cabinet-level officials from Burma, Cambodia, China, Laos, Thailand, and Vietnam all participated.

During the year, U.N. agencies and NGOs credited the Government for demonstrating political will to combat trafficking and for improvement in cooperation with the international community. In March, the Government formed a new office of Transnational Organized Crime, headed by a police brigadier general to handle nonnarcotics related transnational crimes. This office includes a 40-person unit responsible for trafficking in persons.

The Government made limited progress on trafficking in persons during the year. The Government's pervasive security controls, restrictions on the free flow of information, and lack of transparency prevented a meaningful assessment of trafficking in persons activities in the country. While experts agreed that human trafficking from the country was substantial, no organization, including the Government, was able or willing to estimate the number of victims. The Government did not allow an independent assessment of its reported efforts to combat the problem.

Trafficking of women and girls to Thailand and other countries, including China, India, Bangladesh, Taiwan, Pakistan, Malaysia, Japan, and countries in the Middle East for sexual exploitation, factory labor, and as household

servants, was a problem. Shan and other ethnic minority women and girls were trafficked across the border from the north; Karen and Mon women and girls were trafficked from the south. There was evidence that internal trafficking generally occurred from poor agricultural and urban groups to areas where prostitution flourished (trucking routes, mining areas, and military bases) as well as along the borders with Thailand, China, and India. Men and boys also reportedly were trafficked to other countries for sexual exploitation and labor. While most observers believed that the number of these victims was at least several thousand per year, there were no reliable estimates.

Human traffickers appeared to be primarily free-lance, small-scale operators using village contacts that fed into more established trafficking "brokers."

The Ministry of Home Affairs stated there is no complicity of Government officials in trafficking; however, corruption among local government officials was widespread and NGOs reported that Government officials were complicit in trafficking, although it appears limited to local or regional officials turning a blind eye to trafficking activities. NGOs also report that individual Burmese police officials were likely involved in extorting money from economic migrants and others leaving the country.

In recent years, the Government has made it difficult for single women to obtain passports or marry foreigners ostensibly to reduce the outflow of women as victims of trafficking (see Sections 1.f. and 2.d.). In addition, there are regulations forbidding females under the age of 25 from crossing the border unless accompanied by a guardian. However, most citizens who were forced or lured into prostitution crossed the border into Thailand without passports. According to the Department of Social Welfare, the Government has begun to help locate families of trafficking victims and to assist in their repatriation.

The Government has a repatriation center on the Thai-Burma border, which has processed an estimated 10,500 illegal migrants (not just trafficking victims) since 2001. In May, three female trafficking victims were repatriated from Malaysia and six from Thailand and reunited with their families. On August 10, 20 female victims were repatriated from Thailand.

The Myanmar Women's Affairs Federation and the Social Welfare Department provided some counseling and job training for trafficking victims before they were returned to their families. The Social Welfare Department also provided training to Government officials on the recognition and provision of assistance to victims of human trafficking. The Government provided medical attention and shelter to trafficking victims returning from Thailand. However, Government funding for these programs was very limited. There were no reports of victims being arrested after their return to Burma. There were no reports of trafficking victims filing suit against traffickers.

A number of NGOs offered poverty alleviation and education programs designed to counter trafficking. Reportedly these programs have been moderately successful. On May 18-19, UNICEF organized with several government entities, U.N. agencies, and NGOs, a workshop on "Monitoring and Combating Trafficking and Commercial Sexual Exploitation of Children." The workshop was aimed at expanding awareness of trafficking among involved government agencies and developing strategies for intervention.

Persons with Disabilities

The Government did not actively discriminate against persons with disabilities in employment, access to health care, education, or in the provision of other state services, but there were few resources assisting persons with disabilities. There were no laws mandating accessibility to buildings, public transportation, or government facilities, and persons with disabilities faced societal discrimination. There were several small, local and international organizations that assisted persons with disabilities, but most such persons had to rely exclusively on their families to provide for their welfare.

Military veterans with disabilities received benefits on a priority basis, usually a civil service job at equivalent pay. In principle, official assistance to nonmilitary persons with disabilities included two-thirds of pay for up to 1 year of a temporary disability and a tax-free stipend for permanent disability; however, the Government did not provide any private sector job protection for persons who became disabled.

The Ministry of Health is responsible for medical rehabilitation of persons with disabilities and the Ministry of Social Welfare is responsible for vocational training. The Government operates three schools for the blind, two for the deaf, two rehabilitation centers for adults, and two for children. There are four schools for the blind run by local NGOs. All of the Government schools and programs were very poorly funded. The ICRC provided orthopedic assistance to those who have lost limbs to land mines through clinics and outreach programs in conflict areas.

National/Racial/Ethnic Minorities

Wide-ranging governmental and societal discrimination against minorities persisted. Animosities between the country's many ethnic minorities and the Burman majority, which has dominated the Government and the armed forces since independence, continued to fuel active conflict that resulted in serious abuses during the year. These abuses included reported killings, beatings, torture, forced labor, forced relocations, and rapes of Chin, Karen, Karenni, Shan, Mon, and other ethnic groups by SPDC soldiers. Some armed ethnic groups also may have committed abuses, but on a much smaller scale than the Burmese Army (see Sections 1.a., 1.c., 1.f., and 1.g.).

Only persons who were able to prove long familial links to the country were accorded full citizenship. Native-born but nonindigenous ethnic populations (such as Chinese, Indians, Bengalis, and Rohingyas) were denied full citizenship and were excluded from government positions. Members of the Rohingya Muslim minority in Rakhine State continued to experience severe legal, economic, and social discrimination. The Government denied citizenship to most Rohingyas on the grounds that their ancestors did not reside in the country 1 year prior to the start of British colonial rule in 1824, as required by the country's highly restrictive citizenship law.

On June 4, the U.N. Committee on the Rights of the Child expressed concern "over the situation of the children of the Bengali people residing in Northern Rakhine Region, also known as the Rohingyas, and of children belonging to other ethnic, indigenous or religious minorities; and in particular, that many of their rights are denied, including the rights to food, to health care, to education, to survival and development, to enjoy their own culture and to be protected from discrimination."

Rohingya Muslims did not have access to state run schools beyond primary education because the Government reserved secondary state schools for citizens. Those excluded were also ineligible for most civil service positions.

Forced labor of Muslims continued to be widespread in Rakhine State. Forced labor of minority ethnic groups was still prevalent in eastern border areas and in Chin State (see Section 6.c.).

Persons without full citizenship faced restrictions in domestic travel (see Section 2.d.). They also were barred from certain advanced university programs in medicine and technological fields.

Ethnic minority groups generally used their own languages. However, throughout all parts of the country controlled by the Government, including ethnic minority areas, Burmese remained the language of instruction in state schools. Even in ethnic minority areas, most primary and secondary state schools did not offer instruction in the local ethnic minority language. There were very few domestic publications in indigenous minority languages.

There were reports that the Government resettled groups of Burmans to various ethnic minority areas (see Section 1.f.).

There were ethnic tensions between Burmans and nonindigenous ethnic populations, including Indians, many of whom were Muslims, and a rapidly growing population of Chinese, most of whom emigrated from Yunnan Province. They increasingly dominated the economy of the northern part of the country.

Other Societal Abuses and Discrimination

Many citizens view homosexuals with scorn. The penal code contains provisions against "sexually abnormal" behavior that have been used to bring charges against gays and lesbians who have drawn unfavorable attention to themselves.

Nevertheless, homosexuals have a certain degree of protection through societal traditions. Transgender performers commonly provide entertainment at traditional observances. Some are spirit ("nat") worshipers and, as such, they have special standing in the society. They participate in a well-established week-long festival held near Mandalay every year. The event is considered a religious event, free of sexual overtones or activities, and is officially approved by the Government. No one, including the military or police, interferes with the festival.

During a 2-month period in 2002, Government border officials had administered involuntarily HIV/AIDS tests to returning citizens. Those who tested positive were forced first into a hospital and then into a detention center. The Foreign Minister reported this situation to the Ministry of Health as discrimination, and the Health Ministry ended the practice. Nevertheless, HIV-positive patients were discriminated against, as were the doctors who treated them. The Government worked to address this issue and has drafted a protocol for Voluntary Confidential Counseling and

Testing for HIV/AIDS that is intended to provide protection for the right to privacy. It was not promulgated by year's end.

Section 6 Worker Rights

a. The Right of Association

The 1926 Trade Unions Act, which remains in effect, permits workers to form trade unions only with the prior consent of the Government; however, no free trade unions existed in the country.

The ICFTU reported that in August 2002 army troops killed an official of the FTUB, a proscribed organization based in Thailand. The troops forced Mya Than, a village headman who was widely known for his trade union activities, to porter for the army, and then killed him in retaliation for an attack by opposition forces. The Government officially responded to this report by stating that Mya Than was killed by an anti-personnel mine while portering for the Burmese Army. In 2003, other FTUB activists reportedly were arrested for talking to the ILO about forced labor. These three activists originally were sentenced to death, but later had their punishment reduced to prison terms of 5 and 2 years respectively (see Sections 4 and 6.c).

There were no internationally affiliated unions because unions are banned. The Government forbade seafarers who found work on foreign vessels through the Seafarers Employment Control Division from contacts with the International Transport Workers' Federation, and the Government often refused to document seafarers who were abroad. Without proper documentation it is not possible for a seafarer to find regular employment abroad.

The Government has criminalized contact with the Thai-based FTUB claiming it is a "terrorist group;" however, the Government has not made this case to the ILO through the relevant formal procedure. During the year and in 2003, the Government arrested and sentenced persons in part for their contacts with the FTUB and other Thai-based exile groups (see Section 1.b, 1.d, 2.a, and 2.b).

b. The Right to Organize and Bargain Collectively

The Government does not allow unions; therefore, workers did not have the right to organize and bargain collectively. The Government's Central Arbitration Board, which once provided a means for settling major labor disputes, has been dormant since 1988. Township-level labor supervisory committees existed to address minor labor concerns.

The Government unilaterally set wages in the public sector. In the private sector, market forces generally set wages; however, the Government has pressured joint ventures not to pay salaries greater than those of ministers or other senior Government employees. Some joint ventures circumvented this with supplemental pay or special incentive systems. Foreign firms generally set wages near those of the domestic private sector, but followed the example of joint ventures in awarding supplemental wages and benefits.

According to the law, workers generally are prohibited from striking, although a small number of workers purportedly are accorded the right to strike. The last reported strike was in 2000, when an employer retracted a promise to pay piece rates. Subsequently, 30 employees were detained, many for up to 3 months. All the employees lost their jobs.

There are no export processing zones; however, there were special military-owned industrial parks, such as Pyin-Ma-Bin, near Rangoon, which attracted foreign investors, and the 2,000-acre Hlaingthaya Industrial Zone in Rangoon where several companies operated.

c. Prohibition of Forced or Compulsory Labor

Forced or compulsory labor remained a widespread and serious problem, particularly among minority groups. The penal code provides for the punishment of persons who imposed forced labor on others. The Government did not arrest anyone under this statute; however, the ILO reported six cases brought to court by alleged victims during the year. Of the six, three were being processed, two were dismissed, and one person withdrew his charges.

Throughout the country, international observers verified that the Government routinely forced citizens to work on construction and maintenance projects. Citizens also were forced to work in the military-owned industrial zones.

Reports of forced labor for building and maintaining economic infrastructure have declined from a peak during the

mid-1990s, particularly in the ethnically Burman central regions.

In December, a foreign corporation settled cases in U.S. courts regarding atrocities committed by Burmese army soldiers, who allegedly forced others to work on the construction of a pipeline.

In contrast, the Government's use of forced labor in support of military garrisons or operations remained particularly serious in ethnic or religious minority regions. The ILO has corroborated UNHCR's reports of a "serious resurgence" in forced labor in Rakhine State, where the Prime Minister had ordered the military to construct six new bridges. The ILO continued to call upon the Government to stop the use of forced labor; however, the local authorities have ignored the central government's instructions to "cease and desist" the practice.

The Rangoon-based ILO Liaison Office reported that the Government's orders to end forced labor had been widely, if unevenly, disseminated, and their impact on reducing forced labor was limited and not sustained.

Over the past 5 years, the ILO and other international agencies have seen changes in the Government's approach to conscripting forced labor. The ILO reported that military units tend to no longer issue written orders to village heads to provide forced labor, and instead gave verbal instructions. The ILO also reported that in some cases the Government substituted demands for forced labor with demands for forced contributions of materials, provisions, or money. Throughout the year there were frequent and widespread reports of soldiers forcing contributions from ethnic minority villagers. During the year, the ILO reported that it appears the Government occasionally paid for forced contributions, but the payments were usually well below prevailing wage rates. Diplomatic representatives did not receive any reports of the Government paying for forced contributions.

The ILO reports that since 2002, the Government increasingly substituted prisoners not sentenced to hard labor for civilians as forced laborers, possibly due to international pressure not to use civilians. During the year, the military continued to take prisoners from jails in Shan State and elsewhere for use as porters. In October 2003, during its offensive against the KNU, the army reportedly used more than 300 prisoners as porters.

A draft agreement with the ILO to establish a facilitator to help forced-labor victims seek remedies under the law, first postponed after the May 2003 attack on the NLD, was again postponed in March following revelations that the Government had sentenced nine persons to death (later commuted to prison sentences) in part for contacting the ILO. The charge was later amended to include illegal contact with the outlawed Federation of Trade Unions of Burma (see Section 4 and later in this Section). All references to the ILO were removed from the charge on October 14, following review of the case by a Special Appellate Bench of the Supreme Court. In the same judgment, the sentences of two of the defendants were reduced from 3 to 2 years. The sentence of a third defendant was reduced from life imprisonment to 5 years in jail with hard labor.

Authorities often allowed households or persons to substitute money or food for labor for infrastructure projects, but widespread rural poverty forced most households to contribute labor. Parents routinely called upon children to help fulfill their households' forced labor obligations (see Section 6.d.).

During the year, diplomatic officials did not receive reports of forced labor for building major civil infrastructure projects in central Burma. However, reports of forced labor for smaller projects in villages nationwide persisted. Forced labor also continued to be used countrywide to maintain existing civil infrastructure, including transportation and irrigation facilities. On June 4, an ILO report indicated citizens had brought 40 cases of forced labor (including forced recruitment of child soldiers) to the Rangoon office's attention during the year. This was the first year, according to the ILO, that private citizens voluntarily approached the ILO to report alleged violations. In September 2003, the local chairman of Chaungnet Village in Magwe Division forced one person from each household to clear the bushes on Rangoon-Magwe Highway. Those who refused were fined \$5 (5,000 kyat).

In ethnic regions, reports of forced labor were common. According to the ICFTU, villagers were ordered to build or repair military camp infrastructure and to perform other tasks within the camps, such as standing guard. Credible sources in the local NGO community have also reported that villagers have been required to bring lumber, at their own expense, to construct and repair military facilities. The ILO office in Rangoon witnessed in mid-May a case of villagers in Tiddim and Falam Townships in Chin State forced to widen the main road between the two towns. In January and February, AI reported several cases in Buthitaung and Maungdaw, northern Rakhine State. In these cases the military or members of a border task force consisting of the police, military intelligence, internal security, customs officials and the Immigration and Manpower Department commandeered villagers to stand sentry, build roads, cut wood, and to construct government buildings. The Chin Human Rights Organization (CHRO) also reported several cases of forced labor in southern Chin State during the year. In these cases local military officials forced village leaders to provide workers for road projects, military building construction, and farm work. The CHRO

reported local military officials arrested one village chief in June because his village's workers did not complete their assigned road-building task.

In June 2003, Earth Rights International reported villagers stated that forced labor in their area was coordinated at an institutional level by the military. Every village head in a sample district of rural eastern Burma was required to attend a weekend meeting to receive the latest demands from the army for forced labor. The labor that was extracted from the villages in the region was never adequately compensated and refusal to work only invited punishment. The Government suspended a program begun in mid-2003 that compelled many civil servants and one person from each family to attend an unpaid 45-day militia-training program.

The ILO and other international observers reported a decline in forced labor and other abuses in Karen State since the KNU and SPDC achieved a temporary cease-fire in January. However, in 2003, the KNU released credible but unconfirmed reports of widespread use of forced labor in conflict areas along the eastern border. In July 2003, soldiers forcibly recruited 500 porters in Mone Township to carry food supplies for the army. Those unable to carry a load had to pay \$5 (5,000 kyat) each. Also in July 2003, soldiers ordered 13 Kaw-thay-doe villagers from Tan-ta-bin Township to cut bamboo and fence the army camp, and soldiers forced 6 villagers from Kaw-thay-doe village, Tan-ta-bin Township, and 3 Ga-mu-doe villagers to carry military supplies.

Since 2003, the Government has allowed ILO staff to operate out of a Rangoon office and travel throughout the country. The ILO must give notice to the government when its staff members plan to travel to restricted areas, and local authorities monitor their movements in some cases. ILO local and foreign staff can travel unaccompanied, but central government officials alert local authorities to their movements.

In 2002, the Government established a committee, chaired by the Deputy Minister of Home Affairs, to implement measures against forced labor. The ILO office in Rangoon reported 46 cases of forced labor to the committee during the year. So far, the committee has responded to approximately half of these cases, denying that any forced labor existed. The committee did not implement adequate mechanisms for the reporting, investigation, and prosecution of incidents of forced labor.

The ILO office in Rangoon has reported cases in which the organization's local contacts have been detained and interrogated for providing information about forced labor. In November 2003, a court sentenced three persons, Naing Min Kyi, Shwe Man, and Aye Myint, to death in part for having contacts with the ILO and the FTUB. However, their sentences were subsequently reduced to prison terms (see Section 4).

Forced recruitment of soldiers was widespread. Credible reports indicated that the Government would not allow soldiers to leave the army at the end of their enlistment without first recruiting three or four replacements, even if it required forced recruitment. Forced recruitment of police forces followed the same pattern.

Civil service pay and government pensions are negligible. For example, senior medical doctors earn \$10 (10,000 kyat) a month. Civil servants are not allowed to retire at will or terminate employment to leave for other sectors.

The law does not specifically prohibit forced and bonded labor by children, and forced labor by children continued to be a serious problem (see Section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

The law sets a minimum age of 13 for the employment of children, but in practice the law was not enforced. Child labor has become increasingly prevalent and visible. Working children were highly visible in cities, mostly working for small or family enterprises. In the countryside, children worked in family agricultural activities. Children working in the urban informal sector in Rangoon and Mandalay often began work at young ages. In the urban informal sector, child workers were found mostly in food processing, street vending, refuse collecting, light manufacturing, and as tea shop attendants. According to 2002 official statistics, 6 percent of urban children worked, but only 4 percent of working children earned wages; many were employed in family enterprises.

The law does not specifically prohibit compulsory labor by children and children were subjected to forced labor. Authorities reportedly rounded up teenage children in Rangoon and Mandalay and forced them into portage or military service (see Section 5).

The DSW provides support and schooling for a small number of children who were orphaned or in some other way estranged from their families. One of the aims of this assistance is to help the children become more capable of

resisting exploitation in the future.

e. Acceptable Conditions of Work

Only government employees and employees of a few traditional industries were covered by minimum wage provisions. The minimum daily wage for salaried public employees was \$0.10 (100 kyat) for what was in effect an 8-hour workday. Various subsidies and allowances supplemented this sum. Neither the minimum wage nor the higher wages earned by senior officials provided a worker and family with a decent standard of living. Low and falling real wages in the public sector have fostered widespread corruption and absenteeism. In the private sector, urban laborers earned approximately \$0.80 (800 kyat) per day, while rural agricultural workers earned approximately half that rate. Some private sector workers earned substantially more; a skilled factory worker earned approximately \$4 (4,000 kyat) per day.

A surplus of labor, a poor economy, and lack of protection by the Government continued to foster substandard conditions for workers. The 1964 Law on Fundamental Workers Rights and the 1951 Factories Act regulate working conditions. There is a legally prescribed 5-day, 35-hour workweek for employees in the public sector and a 6-day, 44-hour workweek for private and state enterprise employees, with overtime paid for additional work. The law also allows for a 24-hour rest period per week, and workers were permitted 21 paid holidays per year; however, in practice, such provisions benefited only a small portion of the country's labor force, since most of the labor force was engaged in rural agriculture or in the informal sector. The laws are generally enforced in the government sector, but there are frequent violations by private enterprises.

Numerous health and safety regulations existed, but in practice the Government did not make the necessary resources available to enforce the regulations. Although workers may in principle remove themselves from hazardous conditions, in practice many workers could not expect to retain their jobs if they did so.